



2007 EDITION

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# MISSOURI PROSECUTOR HANDBOOK



MISSOURI OFFICE OF  
PROSECUTION SERVICES







# INTRODUCTION

**Welcome** to the field of prosecution as an elected prosecutor, assistant or supporting staff member. This handbook is designed to be a guide and resource manual for all offices. It refers to resources for prosecutors and staff and contains statutory references relevant to prosecution.

Statutory references should be current as of August 28, 2006. As laws are constantly changing, always refer to the statute or constitutional provision. Do not rely on this handbook exclusively without reading the source.

We strongly encourage all prosecutors and staff to take advantage of the resources listed in this book as well as the network of prosecutors across the state. All offices should have a pictorial directory and updated roster of prosecutors. Please notify the MOPS office of any changes.

We look forward to working with you.

**The Missouri Office of Prosecution Services**  
November 2006





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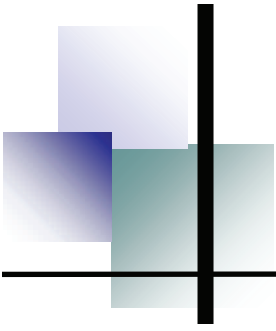
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## CHAPTER 1

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# RESOURCES FOR PROSECUTORS







## CHAPTER 1

## RESOURCES FOR PROSECUTORS

## Missouri Office of Prosecution Services

The Missouri Office of Prosecution Services ("MOPS") is a state governmental entity established in Section 56.750, et seq. to assist prosecuting attorneys. The office provides technical assistance to prosecuting attorneys, and serves as a clearinghouse of materials for prosecutors. The staff is responsible for the training of prosecuting attorneys and is the primary source of continuing legal education for prosecutors.

The MOPS office conducts two statewide conferences per year as well as trial schools and numerous specialized conferences. The office updates the *Missouri Prosecutors Trial Casebook* which is published biannually by the Missouri Association of Prosecuting Attorneys, and the *Missouri Prosecutors Form Book*. It publishes a monthly newsletter which includes case law updates and information about MOPS programs, as well as a quarterly traffic safety newsletter. The above is not an exclusive list and office personnel are available to assist prosecutors as situations arise.

The office website, [www.mops.mo.gov](http://www.mops.mo.gov), contains conference information, newsletter archives, annual legislative summaries, Prosecuting Attorney contact information and much more.

Brian Keedy serves as the executive director of the MOPS office. Other staff members include Susan Glass, Traffic Safety Resource Attorney; Bev Case and Sheri Menteer, Administrative Assistants; Jane Quick, Computer Information Specialist; and Judy Brooks, part-time Secretary.

## CONTACTING MOPS

- Phone Number: (573) 751-0619 or (573) 751-2415
  - Fax Number: (573) 751-1171
  - E-mail Address:
    - Brian.Keedy@ago.mo.gov
    - Susan.Glass@ago.mo.gov
    - Bev.Case@ago.mo.gov
    - Sheri.Menteer@ago.mo.gov
    - Jane.Quick@ago.mo.gov
  - Location:
    - Governor's Office Building
    - 200 Madison Street
    - Jefferson City, MO
  - Mailing Address:
    - Missouri Office of Prosecution Services
    - PO Box 899
    - Jefferson City, MO 65102
- On the Web at: [www.mops.mo.gov](http://www.mops.mo.gov)

## Publications

All offices should have copies of *The Missouri Prosecutors Trial Casebook (2005 edition)*, *The Missouri Prosecutor Form Book (2003 edition)*, and the *Bad Check Prosecution Handbook (2004 edition)*, published by the MOPS office. All books are available on CD-ROM by contacting the MOPS office. You should also find *Investigation and Prosecution of Child Abuse* published by the National Center for Prosecution of Child Abuse. These are all designed to be guides to assist you. You can obtain a copy of one of the MOPS publications by calling the MOPS office. You will need to contact the National Center at (703) 549-4253 to purchase a copy of their book.

All offices should also have an up-to-date copy of the *Missouri Approved Charges-Criminal and Missouri Approved Instructions-Criminal, Third Edition*. Please be sure that the books contain the latest supplements. The MOPS office does not purchase the instructions and charges for the prosecutor's offices. You must purchase them from the Supreme Court. These books are published by the Missouri Supreme Court and may be ordered by calling the Court at (573) 751-7337.

If you have any questions about the accuracy of your instructions or charge book or whether you have all supplements you may contact the MOPS office. Also, Cape Girardeau County Prosecutor Morley Swingle and Jack Morris of the Attorney General's office serve on the Supreme Court Instructions Committee.

## Videotape Library

The MOPS office videotapes all programs and maintains a videotape library of all programs for use by prosecutors and assistants. A list of available videotapes can be found in [Chapter 7, page 46](#). Contact the office for an up-to-date list and to check out a videotape. Upon receiving the tape, please view it and return it since there is often a large demand for some of the tapes.



## Missouri Association of Prosecuting Attorneys

MAPA is a voluntary association of prosecuting attorneys in Missouri. It was incorporated in 1969 and has become an important voice for state prosecuting attorneys in the Missouri legislature.

MAPA was instrumental in the creation of the Missouri Office of Prosecution Services. The officers of MAPA, together with the Attorney General, form the governing board of MOPS. **MAPA pays for the cost of publishing the *Missouri Prosecutors Casebook* and a pictorial directory of state prosecutors.**

MAPA helps to provide speakers for training seminars and sometimes helps underwrite the cost of bringing in national speakers. **Association dues are \$50 for the prosecuting attorney and \$25 for each assistant and investigator.**

## Prosecuting Attorney And Circuit Attorney Retirement System

**Location:** 208 E. High  
Jefferson City, MO 65101

**Voice:** (573) 556-7985  
**Fax:** (573) 556-7986

PACARS is established in Section 56.800 et. seq. Contributions are paid by the counties as set forth in the statute. The system is governed by a Board of Trustees made up of prosecuting attorneys. Inquiries about the system should be directed to Katrina Farrow at the above address or phone number.

Prosecutors may also have an option of participating in the Local Government Employee's Retirement System (LAGERS) which is found in Section 70.600, et. seq. Prosecutors should consult statutory provisions relating to receipt of PACARS and LAGER benefits.



## National District Attorneys Association

**Location:** Alexandria, Va.

**Phone:** (703) 549-9222

**Website:** <http://www.ndaa-apri.org>

NDAA is the national organization of prosecuting attorneys. NDAA has become an important voice for state prosecuting attorneys in Congress. NDAA's training sessions, annual summer conference and other meetings allow prosecutors to meet peers, share concerns and develop consensus on significant matters of public policy.

Active committees address issues such as national prosecutor standards and issues affecting all prosecutors nationwide. Members receive *The Prosecutor* magazine six times per year, *Case Commentaries and Briefs*, a monthly digest of decisions by federal and state courts, and various newsletters.

**About two-thirds of Missouri prosecutors are members of NDAA and several serve as vice-presidents and board members.** Annual dues are determined according to the category of membership and/or size of jurisdiction or both.



## American Prosecutor Research Institute

**Located with NDAA**

**Phone:** (703) 549-9222

**Website:** <http://www.ndaa-apri.org>

APRI is a nonprofit affiliate of NDAA. Experienced professionals provide training, technical assistance, and research in areas of community prosecution, cyber crime, DNA, domestic violence and violence against women, environmental crimes, drug prosecution, hate crimes, juvenile justice, white collar crimes, and stalking. APRI is considered a national clearinghouse for information on the prosecutorial function. Besides personally contacting APRI, materials can be found on the APRI Website at <http://www.ndaa-apri.org>.

## National Center for Prosecution of

*Child Abuse*

## The National Center for Prosecution of Child Abuse

**Located with APRI Phone:** (703) 549-4253

**Website:** [http://www.ndaa-apri.org/apri/programs/ncpca/ncpca\\_home.html](http://www.ndaa-apri.org/apri/programs/ncpca/ncpca_home.html)

NCPCA provides national training on the issues of child abuse, neglect and homicide and provides technical assistance to prosecutors. It also acts as a national clearinghouse for materials, many of which can be found on the Internet by accessing the APRI home page. NCPCA publishes *The Investigation and Prosecution of Child Abuse*, an



### The National Traffic Law Center

**Located** with APRI    **Phone:** (703)549-4253

**Website:** [http://www.ndaa-apri.org/apri/programs/traffic/ntlc\\_home.html](http://www.ndaa-apri.org/apri/programs/traffic/ntlc_home.html)

NTLC provides training, technical assistance, and materials on the issues of alcohol- and drug- related traffic offenses. NTLC has several publications available and is an excellent resource for issues that may arise in a case.



### The National Trial Advocacy Center

**Location:** Columbia, S.C.    **Phone:** (803) 705-5050

**Website:** [http://www.ndaa.org/education/nac\\_index.html](http://www.ndaa.org/education/nac_index.html)

The National Trial Advocacy Center is a federally funded school for prosecuting and district attorneys as well as U. S. Attorneys and assistants. All expenses, including air fare and per diem for state prosecutors and assistants are paid.

Nominations to attend programs must be made by the elected prosecutor and accepted by the center – space is limited. Efforts are made by the center to ensure equal representation throughout the country. Applications and program schedules are mailed by the center to all prosecutor offices. Early application is encouraged. Many Missouri prosecutors and assistants take advantage of this training.



### The National College of District Attorneys

**Location:** Columbia, S.C.    **Phone:** (803) 705-5005

**Website:** <http://www.law.sc.edu/ncda/index.htm>

The NCDA provides excellent prosecutorial training. Courses are held across the country except for the Career Prosecutor Course which is held for two weeks in Houston every summer. Fliers are often sent to all prosecutors offices and the course schedule can be found monthly in the *Missouri Prosecutor*.



### The National Criminal Justice Association

**Location:** Washington, D.C.

**Phone:** (202) 628-8550

**Website:** <http://www.ncja.org>

NCJA is a private, nonprofit organization that represents a diverse membership of governors' staff, state attorneys general, prosecutors, corrections officials, criminal justice planners and other professionals interested in criminal justice issues and policies. It also provides staff support to the National Governors' Association. The NCJA focuses on state and local impacts and concerns resulting from federal government programs and decisions; and is an excellent source of information on congressional issues.



### The National Institute for Trial Advocacy

**Location:** South Bend, IN

**Phone:** (800) 225-6482 / (574) 271-8370

**Website:** <http://www.nita.org>

NITA courses are held regionally and address trial skills in both criminal and civil cases. The course schedule is mailed annually to all offices and the MOPS office may have the annual schedule.



## MISSOURI ATTORNEY GENERAL

Main phone: (573) 751-3321

Chief counsel, Criminal Division: (573) 751-4129

Chief counsel, Public Safety Division: (573) 751-8366

Website: <http://www.ago.mo.gov>

Several divisions of the Attorney General's office interact frequently with prosecuting attorneys. The Criminal Division of the Attorney General's office handles all felony appeals in criminal cases pursuant to Section 27.050. Prosecutors are responsible for appeals in misdemeanor cases under Section 56.060.

Upon request by the governor, the attorney general may also assist prosecuting attorneys in cases. While a formal request must be made with the governor, it is prudent to contact the Chief Counsel of the public safety division when making such a request. Members of the criminal division, as well as the MOPS staff, are available to assist with research requests.

**Extraditions:** Chapter 548 of the Revised Code, patterned after the Uniform Criminal Extradition Act, provides the procedure for extraditions in Missouri. In the case of "foreign extraditions" in which another state is seeking the return of a fugitive from Missouri, the prosecuting attorney, under the statute, may appear in court proceedings pertaining to the extradition.

In the case of "domestic extraditions," in which the prosecuting attorney is seeking the return of a fugitive from another state, the prosecuting attorney prepares a petition for requisition under the statute.

The Attorney General reviews all extradition requests. The office provides an extradition handbook to all prosecutor's offices upon request and limited forms are contained in the *Missouri Prosecutor Form Book*. Questions regarding either extradition process may be directed to the Criminal Division.

**Attorney General Opinions** Under section 27.040, prosecuting attorneys are among officials authorized to request Attorney General Opinions "upon any question of law relative to their respective offices or the discharge of their duties." Attorney General opinions since 1997 can be accessed from the Attorney General's Office web page at <http://www.ago.mo.gov>. Copies of existing opinions may also be requested by contacting the Attorney General's office at (573) 751-7007.



## OTHER STATE AGENCIES

Here is a list of state governmental agencies and other branches of government that interact with prosecuting attorneys. All of these entities have Websites on the state home page at <http://www.mo.gov>.

**Governor's Office:** (573) 751-3222

**Lieutenant Governor's Office:** (573) 751-4727

**Secretary of State's Office:** (573) 751-4936

- Elections: (573) 751-2301
- General Counsel: (573) 526-4936
- Corporations: (573) 751-4153
- Local Records: (573) 751-9047
- Securities: (573) 751-4136
- State Library: (573) 751-0970

**State Auditor's Office :** (573) 751-4213

- Local Government audits: (573) 751-4213

**State Treasurer's Office:** (573) 751-2411

**Office of Administration:** (573) 751-1851

- Division of Purchasing: (573) 751-2387
- Missouri Ethics Commission: (573) 751-2020

**Agriculture Department:** (573) 751-4211

**Attorney General's Office:** (573) 751-3321

- Consumer Protection Division: (573) 751-6887
- Criminal Division: (573) 751-3700
- Environmental Protection Division: (573) 751-8370
- Governmental Affairs Division: (573) 751-4087
- **Governmental Entities & Financial Services Division:** (573) 751-8464
- **Labor Division:** (573) 751-2921
- Litigation Division: (573) 751-4526
- Public Safety Division: (573) 751-9635
- Consumer Protection Hotline: (800) 392-8222
- **Attorney General Opinions:** (573) 751-7007

**Conservation Department:** (573) 751-4115





## OTHER STATE AGENCIES continued

All of these entities have Websites on the state home page at <http://www.mo.gov>.

**Corrections Department:** (573) 751-2389

- Probation and Parole Board: (573) 751-8488

**Economic Development Department:** (573) 751-4962

**Elementary and Secondary Education Department:**  
(573) 751-4212

**Health and Senior Services Department:**  
(573) 751-6400

- Child Care and Safety and Licensure:  
(573) 751-2450

**Insurance Department:** (573) 751-4126

**Labor and Industrial Relations Department:**  
(573) 751-3215

- Labor Standards Division: (573) 751-3403
- Crime Victims Assistance:  
(573) 526-6006 / (800) 347-6881
- Workers Compensation Fraud:  
(573) 526-6630 / (800) 592-6003

**Mental Health Department:** (573) 751-4122

**Natural Resources Department:** (573) 751-3443

**Public Safety Department:** (573) 751-4905

**Missouri State Highway Patrol:** (573) 751-3313

- Criminal Laboratory: (573) 526-6134
- Criminal Records: (573) 526-6153
- Drug and Crime Control: (573) 751-3452
- Information Systems: (573) 751-9000
- Liquor Control Division: (573) 751-2333
- Gaming Commission: (573) 526-4080
- Water Patrol: (573) 751-3333

**Revenue Department:** (573) 751-4450

- General Counsel: (573) 751-2633

**Social Services Department:** (573) 751-4815

- Child Support Enforcement Division:  
(573) 751-4301
- MACSS: (573) 522-2134
- Family Services Division: (573) 751-3221
- Legal Services Division: (573) 751-3229
- State Technical Assistance Team:  
(800) 487-1626

**Transportation:** (573) 751-2551

- Highway Safety Division: (573) 751-4161

## Judiciary

**Supreme Court of Missouri:** (573) 751-4144

**Website:** <http://www.courts.mo.gov/sup/index.nsf?OpenDatabase>

**Missouri Court of Appeals:**

- Eastern District: (314) 340-6960
- Western District: (816) 889-3600
- Southern District: (417) 895-6811

**Website:** <http://www.courts.mo.gov>

**State Court Administrator's Office:** (573) 751-4377

**Website:** <http://www.courts.mo.gov/osca/index.nsf>



## United States Attorneys

**Eastern District:**

**Website:** <http://www.usdoj.gov/usao/moe/>

- St. Louis Office: (314) 539-2200
- Cape Girardeau Office: (573) 334-3736

**Western District:**

**Website:** <http://www.usdoj.gov/usao/mow/aboutus/usattorney.html>

- Kansas City Office: (816) 426-3122 or (800) 733-6558
- Jefferson City Office: (573) 634-8214 or (800) 836-3518
- Springfield Office: (417) 831-4406 or (800) 347-4493



**The Missouri Bar**

**Missouri Bar:** (573) 635-4128

**Website:** <http://www.mobar.org/>



## Missouri General Assembly

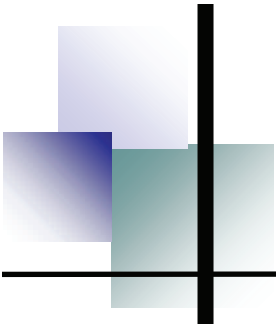
The powers of the General Assembly are found in Article III of the Missouri Constitution. The legislative session begins on the first Wednesday after the

first Monday in January and ends at 6 p.m. on the first Friday following the second Monday in May.

All bills signed by the governor go into effect on August 28<sup>th</sup> of that year unless there is an emergency clause, in which case the bill becomes law when signed by the governor or on the date specified in the bill. Copies of bills may be accessed on the legislative section of the Missouri home page, by calling the Missouri House or Senate, or by contacting the MOPS office.

**Website:** <http://www.moga.state.mo.us/>





## CHAPTER 2

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# PERTINENT LAWS & RULES FOR PROSECUTORS







## CHAPTER 2

## PERTINENT LAWS &amp; RULES

## CONSTITUTIONAL PROVISIONS

Article VII of the Missouri Constitution contains provisions relating to elected officials. In addition, Article VI addresses local governments. Prosecutors should become familiar with the Missouri Constitution before taking office. Below are only select provisions.

## Nepotism and Impeachment

Article VII, Section 6 of the Missouri Constitution provides that any public officer or employee of this state who by virtue of office or employment names or appoints to public office or employment any relative within the fourth degree, by consanguinity or affinity, **shall forfeit** his office or employment. Other provisions of Article VII address impeachment of public officials.

Section 106.220 provides that certain public officials forfeit their office for any willful or fraudulent violation or neglect of any official duty, or who shall knowingly and willfully fail or refuse to do or perform any official act or duty which by law it is his or her duty to do or perform with respect to the execution or enforcement of the criminal laws of the state. Removal under the statute is effectuated through a quo warranto action. The statute applies only to those county and municipal officers not subject to impeachment under the constitution. Section 561.021 provides that upon sentencing for certain criminal offenses, including felonies and crimes involving misconduct in office, the public official forfeits his or her office.

## Terms of Office

Article VII, Section 12 provides that all officers shall hold office for the term thereof, and until their successors are duly elected or appointed and qualified. Section 56.010 contains similar language.

## STATUTES

## CHAPTER 56 AND RELATED CHAPTERS - PROSECUTING ATTORNEYS

Chapter 56 is the general chapter governing prosecuting attorneys although most chapters of the Missouri Revised Code mention prosecutors. Other chapters may address prosecutors with a charter form of government.

It is imperative that any prosecutor become familiar with relevant statutes. *The Statutory Duties, Powers and Obligations of Prosecuting Attorneys* published by the MOPS office is a good source of statutory references to prosecutors. This source is contained in [Chapter 6, page 24](#).

Under Section 56.010, there are elected prosecutors in each of the 114 counties and a circuit attorney in the City of St. Louis. Unless otherwise designated in this guide, references to prosecuting attorney also refers to the Circuit Attorney.

Counties are divided by first class with a charter form of government, and first, second, third and fourth classes. Prosecutors are either full or part time. Prosecutors run for election every four years, and the circuit attorney and Jackson County prosecuting attorney run for election at the same time as most statewide elected officials.

Prosecuting attorneys and their employees are county employees. All salary and office expenses are budgeted through the county budgetary process which runs on a January through December fiscal year.

Despite the status of elected county officials, Section 105.020 provides that prosecuting attorneys shall be commissioned by the governor. Any resignation by a prosecutor must be filed with the governor. Section 105.050 provides that the governor appoint a successor if a vacancy exists. The statute notes that if there is no qualified person in the county who can or will accept the appointment of prosecutor, the governor may appoint a person who resides outside the county.

Other relevant statutes include sections 56.066, and 56.067 which provide that full-time prosecutors must devote full-time to the duty of prosecuting attorney. Section 56.360 establishes a misdemeanor for any prosecutor or assistant to accept employment by any party in any criminal case other than the state of Missouri. Other general duties are included in section 56.060, 56.070 and 56.293.



Sections 56.180, 56.200, 56.220, and 56.240 provide for the appointment of assistants. In *State of Missouri, ex. rel. George McElroy, et. al., v. Anderson*, 813 S.W. 2d 128 (1991), the Eastern District Court of Appeals held that Section 56.151 does not impose upon assistant prosecuting attorneys a condition of residency in the county.

Section 56.363 allows for a ballot provision authorizing a full-time prosecuting attorney in a county in which the prosecutor is part time. In that instance, the full time prosecutor shall take office in the next term of office following the passage of the proposal. Private practice of law by that individual is prohibited. The MOPS office has a list of a number of third class counties which have elected to have a full time prosecutor.

Section 56.265 provides for salary schedules for prosecuting attorneys except those with a charter form of government. Article VI, Section 18(b) provides that a charter county may provide for the salaries of its elected officials. Section 50.333 provides that the prosecutor in noncharter counties be a member of the salary commission. All prosecutors should be familiar with that section and the organization and meeting of the salary commission. Under Article VIII, Section 13 of the Missouri Constitution, an elected official, including prosecuting attorney, may not receive a raise in pay during a term of office.

- **SPECIAL PROSECUTORS:**

Section 56.110 allows a circuit judge to appoint a special prosecuting attorney if a prosecutor is disqualified due to a conflict of interest. Under section 56.130, a reasonable fee for the special prosecutor may be fixed by the court, taxed, and paid as costs in the case. This statute differs from section 27.030 which allows the attorney general to **assist** the prosecutor when directed by the governor. The special prosecutor under section 56.110 can be any attorney and is not necessarily the attorney general.

### CHAPTER 105 - PUBLIC OFFICERS AND EMPLOYEES

Chapter 105 of the Missouri Revised Code provides numerous laws and criminal provisions relating to financial conflicts of interest of public officials and employees. Prosecutors must be familiar with these laws as they relate to themselves, as well as other officials in their counties. While the following is a summary of the laws as it pertains to public officials and employees, the exact statutes and statutory definitions must be consulted for language and possible revisions.

A. Employees may not act or refuse to act by virtue of promise to pay, or give anything of value to the employee or any other person, including any gift or campaign contribution made or received in relationship to or as a condition of the performance of an official act (Sections 105.452(1) and 576.020)).

B. Employees may not use confidential information obtained in the course of public service with intent to result in personal financial gain, or gain to a spouse or dependent child under age 18 in their custody and who receives in excess of fifty percent of support from the employee (Sections 105.452(2) and 576.050.1(1)).

C. Employees may not disclose confidential information obtained in the course of public service with intent to result in personal financial gain to themselves or another person (Section 105.452(3)).

D. Employees may not favorably act on any matter so as to provide a special monetary benefit to the employee, spouse or dependent child (Section 105.452(4)).

1. "Special monetary benefit" refers to being affected in a substantially different manner or degree than the public would be affected, or if the matter affects only a specific class of persons, than in a substantially different manner or degree than other members of the class.

E. Employees may not use decision-making authority to obtain a financial gain for themselves, spouse or dependent children, by acting or refusing to act for the purpose of coercing or extorting anything of value from another person (Sections 105.452(5) and 576.020).

F. Employees may not perform any service for a political subdivision in which they are an officer or employee or over which they have supervisory power for receipt or payment of any compensation, for compensation other than that received for their official duties, in excess of \$500 per transaction or \$1,500 per annum, except pursuant to an award of a contract to the low bidder after public notice and bidding (Section 105.454(1)).



## CHAPTER 105 - PUBLIC OFFICERS AND EMPLOYEES—continued

F. Employees may not perform any service for a political subdivision in which they are an officer or employee or over which they have supervisory power for receipt or payment of any compensation, for compensation other than that received for their official duties, in excess of \$500 per transaction or \$1,500 per annum, except pursuant to an award of a contract to the low bidder after public notice and bidding (Section 105.454(1)).

G. Employees may not sell, rent or lease any property to any state agency, or to any political subdivision as above, for compensation in excess of \$500 per transaction or \$1,500 per annum unless the transaction is made pursuant to an award of a contract let after public notice, and, in the case of property other than real property, to the low bidder after competitive bidding (Section 105.454(2)).

H. Employees may not participate in any matter, directly or indirectly, in which they attempt to influence any decision of any agency of the state, or political subdivision in which they are officers or employees or which they have supervisory power, when they know the result of such decision may be the acceptance of the performance of a service or sale, rental, or lease of any property to that agency for consideration in excess of \$500 per transaction or \$1,500 per annum to them, their spouse, to a dependent child or to any business which they are associated unless the transaction is made pursuant to an award on a contract let after public notice and, in the case of property other than real property, to the lowest bidder after competitive bidding (Section 104.454(3)).

I. Employees may not attempt to influence the decision of the political subdivision on behalf of any person or entity, for compensation other than their official compensation (Section 104.454(4)).

J. Employees may not attempt to influence the decision of the political subdivision, of which they were an officer or employee of over which they had supervisory authority, for consideration, within one year after leaving public service, except they may perform such service and receive compensation in an adversary proceeding, or prepare or file any public document with respect to matters with which they were not personally involved, or seek other public employment (Section 105.454(5)).

K. Employees may not perform any service for consideration for another person or entity with respect to any matter with which they were directly concerned or personally participated during public service (Section 105.454(6)).

Section 105.961 also contains laws relating to referrals of complaints to prosecuting attorneys from the Missouri Ethics Commission. These complaints relate to violations of certain provisions of Chapters 105 and 130, as well as constitutional and legal provisions relating to the conduct of public officials as set forth in Section 105.957.

The statute sets forth deadlines for investigation and filing of a report with the Missouri Ethics Commission. Inquiries should be directed to the Missouri Ethics Commission at (573) 751-2020 or (1-800) 392-8660.

- **Financial interest statements:** Section 105.483 requires public officials to annually file, under the penalty of perjury, personal financial interest statements with the Missouri Ethics Commission. The requirement applies to more than elected officials and a determination should be made whether other members of a prosecutor's office must file a report. The prosecutor may be required to determine whether county employees will be required to file financial interest statements. The statutes contain filing deadlines and penalties for non-compliance.

Section 105.487 provides that designated individuals must file the statement within 30 days of their initial election/appointment and annually thereafter by 5:00 p.m. on May 1<sup>st</sup>. Such statements are filed with the Missouri Ethics Commission under Section 105.489(1). Section 105.485.4 allows political subdivisions to establish their own method of disclosing conflicts of interest through a personal financial disclosure statement. That section should be consulted in that it contains strict guidelines and minimum amounts of information which must be reported.

- **Lobbying Law:** Section 105.470, et. seq., contains the lobbying law with specific statutory definitions and requirements.
- **Election and Campaign Disclosure Laws:** Sections 115.629 through 115.641 address election offenses. Campaign disclosure laws are contained in Chapter 130.



## CHAPTER 610 - THE SUNSHINE LAW

Chapter 610 governs governmental bodies and records and includes the Sunshine Law. Other sections include the availability and expungement of arrest records. The Attorney General's office has a publication reviewing the sunshine law which is available upon request. The law can be found on the Attorney General's website at <http://www.ago.mo.gov/sunshinelaw/sunshinelaw.htm>.

## CHAPTER 595 - VICTIMS OF CRIME

Chapter 595 contains many provisions relating to services to and rights of victims of crimes as established by Article I, Section 2 of the Missouri Constitution. Section 595.200 et. seq. contains specific statutory duties of prosecuting attorneys in affording rights to victims.

Section 595.212 provides that each prosecuting attorney create and maintain a program to afford rights to victims and witnesses of crimes, although this program as required by statute has not been funded by the general assembly.

Section 595.100 establishes the State Services to Victims Fund which is administered by the Department of Public Safety. DPS also administers federal VOCA grants which have been used by prosecuting attorneys. Several prosecutors offices have established victim services representatives. For more information on prosecutorial victim services, please contact the Missouri Victim Assistance Network (MOVA) at (866) 334-6682.

- **Crime Victims Compensation** Section 595.010 et. seq. establishes the Crime Victim's Compensation Fund. This fund is administered by the Division of Worker's Compensation. Questions should be directed to the division at (573) 526-6006 or (1-800) 347-6881

## CHAPTER 43 - CRIMINAL HISTORY REPORTING

Section 43.400 et. seq. establishes the Missouri Highway Patrol as the Central Records Repository. Prosecutors are mandated to file criminal history information with the patrol either manually or by computer. MOPS has a contract with Karpel Computer Systems to design and install a comprehensive case management system for prosecutors that has a fully automated arrest disposition reporting feature. Criminal history reporting is handled by the Criminal Records Division of Missouri State Highway Patrol, (573) 526-6160.

## CHAPTER 109 - LOCAL RECORDS LAW

Chapter 109 contains specific statutory requirements regarding the preservation, reproduction and destruction of local records. The Secretary of State's Office publishes a Local Records Manual for Prosecutors which mandates the length of time for which records and files must be kept. Each office should have such a manual. It can be accessed on the Internet on the Secretary of State's home page at <http://www.sos.mo.gov/archives/localrecs/schedules/prosecut.asp>. Inquiries should be directed to (573) 751-9047.

Sections 109.010 to 109.080 are the general provisions dealing with the transfer of records when an officer ceases to hold the office. In essence, the statute provides that all records are to be transferred to the one succeeding office. Section 109.030 provides the civil penalty for the failure to properly deliver documents as a fine between \$100 and \$1,000.

## CHAPTER 454 - CHILD SUPPORT ENFORCEMENT

Under Chapter 454 of the Revised Code, prosecuting attorneys have entered a cooperative agreement with the State to establish and enforce child support claims which have been referred by the Division of Child Support Enforcement, Department of Social Services. Some counties have joined multi-county child support projects for this function. The Division of Child Support Enforcement regulations may be located at 13 CSR 30.

All expenses of the prosecutor's office for child support enforcement activities under this chapter are 100% reimbursed by the Division of Child Support Enforcement. Inquiries should be directed to the Division Director at (573) 751-4301.

The state has developed a computerized system (MACSS) for tracking and forms production to assist in child support enforcement. Inquiries regarding the MACSS system should be directed to (573) 522-2134.





## CHAPTER 513 - CAFA FORFEITURE

Section 513.600 et seq., establishes the Criminal Activity Forfeiture Act. Article IX, Section 7 of the Missouri Constitution requires that proceeds from forfeitures be distributed to the school fund. *See also, Reorganized School District No. 7 Lafayette County v. Douthit*, 799 S.W. 2d 591 (Mo. banc 1990). Section 513.607 requires the prosecuting attorney to report annually, by Jan. 31 for the previous calendar year, all seizures made under the statute. The report shall be made to the Director of the Department of Public Safety and shall be considered an open record. A copy of the report shall be submitted to the state auditor. The report shall include the date, time, and place of seizure, the property seized, the estimated value of property seized, the person from whom the property was seized, criminal charges filed, and disposition of the seizure, forfeiture and criminal actions. Intentional or knowing failure to comply with the reporting requirements is a **Class A misdemeanor**, punishable by a fine of up to \$1,000.

## CHAPTER 542 - SEARCH AND SEIZURE/WIRETAPPING

Prosecutors must be familiar with Chapter 542 and how it relates to searches and search warrants. Section 542.276 requires that the prosecutor of the county where the search is to take place sign a search warrant. Supreme Court Rule 20.04(h) authorizes adoption of local court rules for the facsimile filings or applications for search warrants and affidavits in support thereof. *The Missouri Prosecutor's Form Book* contains model search warrants although these are guides only.

Section 542.400, et. seq. contains the authority for wiretapping in this state and must be precisely followed. Under 542.408, all applications for an order authorizing or approving the interception of a wire communication shall be made in writing and shall be submitted to the attorney general for approval. Section 542.416.2 requires that the prosecuting attorney report statutorily listed information regarding wiretaps conducted.

## OTHER RELEVANT STATUTES

### Investigative Subpoena/Witness Immunity

Section 56.085 provides for the use of investigative subpoenas by prosecuting attorneys. The subpoena may request the circuit judge to issue a subpoena to any witness who may have information for the purpose of oral examination under oath to require the production of books, papers, records, or other material of any evidentiary nature at the prosecutor's office. The official investigative subpoena form adopted by the courts is available in *The Missouri Prosecutor's Form Book*. Section 491.205 provides for the granting of witness immunity by a prosecutor. As the statute sets forth specific requirements, it must be consulted.

### Witness Protection Program

Section 491.640 provides a state funded witness protection program for prosecuting attorneys.

Among its provisions, it allows MOPS, upon request of the attorney general, any prosecuting attorney or law enforcement agency, to provide for the security of a witness, potential witness, and his/her immediate family in criminal justice proceedings instituted or investigations pending against a person alleged to have engaged in a violation of state law. Protection may be provided if a clear and present danger exists that the witness's testimony might subject the witness or a member of his immediate family to the threat of bodily injury.

Applications must be signed by the prosecuting attorney and approved by the director of the MOPS. They must include a summary of the need for the funds and a detailed budget. In the case of an emergency a prosecutor may call the Director of MOPS for oral approval. A witness protection packet is included in [Chapter 4, page 24](#).

### Child Fatality Review Panels

Section 210.192 requires the prosecutor or circuit attorney to impanel a child fatality review panel to investigate the deaths of children younger than 18. The statute lists required members of the panel. The State Technical Assistance Team (STAT) in the Division of Family Services shall be available to assist the panels upon request pursuant to Section 210.195. The STAT team is also available to assist in the investigation of child abuse and neglect. Call [\(1-800\) 487-1626](tel:1-800-487-1626).



## MISSOURI SUPREME COURT RULES

Under Article V, of the Missouri Constitution and Supreme Court Rules 19.01 and 19.02, Missouri Supreme Court Rules of Criminal Procedure supersede statutes on issues of criminal procedure. Rule 41.02 provides similar provisions for civil cases and numerous rules govern extraordinary writs. Prosecutors must be very familiar with Missouri Supreme Court Rules of Criminal Procedure. In addition, Supreme Court Rules 24.035, 29.15 and 29.16 govern the filing of post-conviction actions following guilty pleas or trial, although technically civil proceedings. Prosecutors should also be familiar with local rules of the circuit and appellate courts.

### Ethical Rules

The Rules of Professional Conduct are contained in Supreme Court Rule 4. While all rules govern the conduct of prosecutors, Rule 4-3-8 addresses the special responsibilities of a prosecutor. In addition, Rule 4-3.6 addresses pretrial publicity. The MOPS office has handouts regarding pretrial publicity which are available upon request.

Under Supreme Court Rule 5, the Chief Disciplinary Counsel handles ethical complaints against attorneys for violations of ethical rules. The counsel also publishes informal advisory opinions which address ethical questions. The opinions are published in *The Missouri Bar Journal*. *The Missouri Prosecutor* also prints opinions of special interest to prosecutors. A publication of all informal advisory opinions may be purchased from the Missouri Bar.

## CONTINUING LEGAL EDUCATION

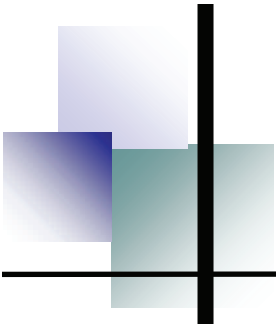
There are two continuing legal education requirements for elected prosecuting attorneys:

### MCLE

As with all practicing attorneys, prosecutors must comply with Supreme Court Rule 15 by satisfying 15 hours of continuing legal education yearly, and 3 hours of ethics every three-year compliance period which is established by the Supreme Court Rule. The three hours of ethics instruction may apply to the 15 hours of general credit. Different rules apply to attorneys newly admitted to the Bar. The compliance year is July 1 through June 30. Compliance is reported to the Missouri Bar by filing an annual report with the Missouri Bar each year by July 31. Any questions about compliance may be directed to the Missouri Bar at (573) 635-4128.

### Elected Prosecutors

Under Section 56.265.2, \$2,000 of most elected prosecutor salaries is payable only if the prosecutor has completed 20 hours of classroom instruction each calendar year relating to the operations of the prosecutor's office as approved by the Missouri Association of Prosecuting Attorneys. **Not more than five credit hours may consist of video or audio tapes of classroom instruction that is accredited.** Course hours which comply with the Supreme Court requirement may be used only as they apply to the office of prosecutor and are approved by the association officers. The MOPS office sends compliance forms out every September and forms are due back to the office by mid-December. The MOPS office will send a notarized certificate of completion to the prosecutor which should be filed with the county treasurer.



## CHAPTER 3

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# PROSECUTOR'S OFFICE, COUNTY GOVERNMENT







## CHAPTER 3

PROSECUTOR'S OFFICE,  
COUNTY GOVERNMENT

## PURCHASING

Prosecutors must be familiar with laws governing the bidding and purchasing of equipment and services. State statute 50.660, addresses bid solicitations and purchasing by county officials. Under the statute, it is not necessary to obtain bids on any purchase in the amount of \$4,500 or less made from any one person, firm or corporation during any period of ninety days. If a county takes bids for items or services of \$4,500 or more, the bid solicitation must be published. If bids are solicited, all contracts and purchases must be to the lowest and best bidder. The exact statutory language must be consulted as well as individual county policy if the county has more restrictive policies.

The state Division of Purchasing enters "local procurement contracts" that allow the counties to buy from established state contracts without the counties seeking independent bids. The phone number for that division is 573-751-2387.

## OFFICE FUNDS

In addition to county-appropriated funding of the prosecuting attorneys office, prosecutors have the following three statutory funds available to them for operation of the office. It is imperative that the actual statutes be consulted for specific statutory purposes and methods of spending the funds.

- **BAD CHECK FUND**

Under Section 570.120, the prosecuting attorney collects a statutory administrative handling cost for enforcement of the crime of passing bad checks. The cost per case is established by statute. The costs are deposited with the county treasurer in a separate interest-bearing fund to be expended by the prosecuting attorney. The funds are expended, upon warrants issued by the prosecuting attorney directing the treasurer to issue checks.

There are specific purposes authorized under the statute and funds may only be used for these purposes. These exclusive purposes are office supplies, postage, books, training, office equipment, capital outlay, expenses of trial and witness preparation, additional employees for the staff of prosecuting attorney and employee's salaries. If funds are used for salaries, caution must be used to ensure proper taxes and benefits are considered.

Effective August 28, 2005 an additional five dollars is to be added to the administrative handling cost collected by prosecuting attorneys for deposit to the Missouri Office of Prosecution Services Fund. The \$5 is only to be collected when the administrative handling cost is collected by the Prosecutor. The funds collected are to be remitted monthly by the County Treasurer to the Missouri Director of Revenue on forms provided by that Department.

- **TRAINING FUND**

Under Section 56.765, **fifty cents** from all statutorily designated criminal cases shall be payable to the county treasurer of the county from which such funds were generated. The treasurer shall deposit the money in a separate prosecuting attorney training fund used solely for the purpose of additional training for prosecutors and staff.

Any unspent funds may remain in the account or, with the approval of the county commission or the appropriate governing body, the money may be used to pay for expert witness fees, travel expenses incurred by victim or witnesses in case preparation and trial, for expenses incurred for changes of venue, for expenses incurred for special prosecutors, and for other lawful expenses incurred by the prosecutor to operate the office.

- **DELINQUENT TAX FUND**

Under Section 56.312, the half of the tax collection fee designated for the use of prosecutors as provided in Section 136.150 shall be deposited in the county treasury into a separate interest-bearing fund to be spent at the direction of the prosecutor as authorized under the statute.

As with the other funds, the moneys shall be spent only upon warrants executed by the prosecutor, directing the treasurer to issue checks for payment. The exclusive purposes set by the statute are office supplies, postage, books, training, office equipment, capital outlay, expenses of trial and witness preparation, additional employees for the prosecuting attorney, and salary supplements for current employees of the prosecuting attorney. Note that the staff purposes are different than those of the bad check account.



### BUDGETS

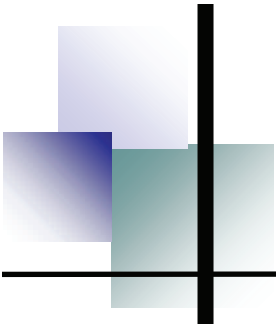
The county budget law is contained in Section 50.525, et. seq. The statutes contain schedules for preparation of a budget. Under Section 50.540, county officers submit budgets to the county budget officer on or before Sept. 1 in first class counties, on or before Dec. 1 in second-class counties, and on or before Jan. 15 in third- or fourth-class counties. Because counties run on a calendar year for their fiscal year, the fiscal year may begin before the budget is approved.

Prosecutors must consult the county policy for budget preparation and submission. The county clerk is the budget officer and the county commission approves the budget. Newly elected prosecutors should consult with their predecessor for budget preparation. In addition, the county clerk has the budget and a list of expenditures for the year. These may serve as a guide for budget preparation.

### INTERNAL CONTROLS

Every office should establish internal controls to handle moneys such as bad check fees and delinquent taxes. It is always prudent to read prior audit reports for the county which may include the office of prosecuting attorney prior to setting up internal controls.

Included in **Chapter 5** are recommendations from the State Auditor's Office for handling funds. These recommendations are published periodically in the *County Connection* published by the Auditor's Office.



## CHAPTER 4

# WITNESS PROTECTION PROGRAM





## CHAPTER 4

# WITNESS PROTECTION PROGRAM

### BACKGROUND

The Missouri Witness Protection Program is contained in Section 491.640 of the Missouri Revised Code. The Program has been in operation since 1983 to provide for the security of a witness, potential witness, and his/her immediate family in criminal justice proceedings instituted or investigations pending against a person alleged to have engaged in a violation of state law. Such protection may be provided if a clear and present danger exists that the testimony by such a witness might subject the witness or a member of his/her immediate family to the threat of bodily injury. The protections may continue for as long as the threat of danger exists.

The Witness Protection Program is funded through state funds, and the amount of monies available is dependent upon annual appropriations. This program was first funded in FY '85. In August 2004, the administration of the program was transferred to the Missouri Office of Prosecution Services.

### CONCEPT OF PROGRAM

According to Section 491.640, RSMo, witness protection may include provisions for the health, safety and welfare of a witness and his/her immediate family, if testimony by such a witness might subject the witness or a member of his immediate family to danger. Because funds are limited, it is not possible for the Missouri program to duplicate the comprehensive, long-term services provided through the Federal Witness Protection Program. Toward this end, it is hoped that expenses will be reasonable and consistent with the degree of security required, and that the period for which protection is necessary will not exceed 60-90 days.

### ALLOWABLE COSTS

It is not the intent of this program to cover such incidental expenses as telephone calls, postage, cleaning, cigarettes, etc. The following types of expenses may be covered under the Missouri program:

- **Lodging** – This includes reasonable housing or apartment rental, motel expenses, or funds to provide space in another jurisdiction's jail or correctional facility. (Security and utility deposits are not covered.)
- **Food** – A modest, specific per diem rate should be established at the time protection is requested and adhered to throughout the period of protection.
- **Moving Expenses** – A witness may relocate to another county or to another state. When possible, the witness should utilize a rental truck or other "move it yourself" means. (Again, any type of security deposits will not be covered under the program.)
- **Transportation** – One-way bus tickets or other transportation modes otherwise approved by the Missouri Office of Prosecution Services will be reimbursed.
- **Overtime Expenses** – Reimbursement of overtime expenses for law enforcement to maintain surveillance of the witness's residence for a specified period of time is allowable.

### APPLICATION PROCEDURES

As required by statute, applications must include, but not be limited to, the following:

- 1) Statement of conditions which qualify person(s) for protection;
- 2) Precise methods to be used to provide protection, including relocation of person(s);
- 3) Precise methods to be used to work with other law enforcement agencies that may be involved with the witness in this case or another pending case;
- 4) Itemized statement of projected costs over a specified period of time.

The Missouri Office of Prosecution Services will keep all applications submitted confidential.

All applications for witness protection must be submitted by or through a county prosecuting attorney's office or the office of the circuit attorney. The exception to this procedure would be cases where evidence can be shown that there is a problem with a particular county prosecuting attorney or circuit attorney, which would preclude involvement of that particular office.



The initial request for assistance may be verbal in emergency cases. However, a formal written application must be completed and forwarded, as soon as possible, to:

Missouri Office of Prosecution Services  
Witness Protection Program  
PO Box 899  
Jefferson City, MO 65102  
Phone: (573) 751-0619 or 522-1838  
Fax: (573) 751-1171

**PRIOR APPROVAL** is required, either verbally or in writing, from the Missouri Office of Prosecution Services, for costs incurred. Exceptions may be granted only in extraordinary circumstances.

Upon final approval by the Missouri Office of Prosecution Services, a copy of the application for assistance will be returned to the applicant agency.

After costs have been incurred or expenditures made, the applicant agency must submit a "Detail of Expenditures" form to the Missouri Office of Prosecution Services accompanied by receipts and supporting documentation for the expenses. The program is conducted on a reimbursement basis, requiring the prosecutor/circuit attorney office to be reimbursed for expenses incurred. Other arrangements can be made only with prior approval of the Missouri Office of Prosecution Services, and only in extraordinary circumstances.

### PROGRAM ADMINISTRATION

In order to insure the best possible utilization of these limited witness protection funds, the Missouri Office of Prosecution Services has established a screening system to ascertain the validity of the request and the severity of the situation. In addition to the formal request made through the prosecuting or circuit attorney's office and then submitted to the Missouri Office of Prosecution Services, the Director may contact the appropriate law enforcement agency to obtain their input on the particular case.

Any questions concerning the Witness Protection Program may be directed to:

Missouri Office of Prosecution Services  
Witness Protection Program  
PO Box 899  
Jefferson City, MO 65102  
Phone: (573) 522-1838  
Fax: (573) 751-1171

# APPLICATION FOR WITNESS PROTECTION ASSISTANCE

(See directions on opposite side.)



## SECTION A

Applicant's name \_\_\_\_\_ Title \_\_\_\_\_

Mailing address \_\_\_\_\_ Phone \_\_\_\_\_

Fax \_\_\_\_\_

## SECTION B

**ATTACH A DESCRIPTION OF SERVICES REQUIRED AND THE CIRCUMSTANCES PROMPTING THIS REQUEST.**

## SECTION C

Protection is requested from \_\_\_\_\_ to \_\_\_\_\_.

## SECTION D

**Estimated cost of providing protection** (Include an itemized breakdown of all costs).

| NATURE OF EXPENSE                         | CALCULATION                 | TOTAL    |
|---|-----------------------------|----------|
| Housing/Rent                              | \$X/month x # months _____  | \$ _____ |
| Hotel                                     | \$X/night x # nights _____  | \$ _____ |
| Food                                      | \$X/day x # days _____      | \$ _____ |
| Truck Rental                              | \$X/day + miles + gas _____ | \$ _____ |
| Bus Fare                                  | (one way) _____             | \$ _____ |
| Other Transportation (please specify)     | _____                       | \$ _____ |
| Security/Surveillance                     | \$X/day x # days _____      | \$ _____ |
| Other (include description & calculation) | _____                       | \$ _____ |
|   | _____                       |          |
|   | _____                       |          |

**ESTIMATED COST \$** \_\_\_\_\_

## SECTION E

The applicant certifies, by signature hereto, that the above request is correct and just and that the expense is necessary to the public business of the state of Missouri.

\_\_\_\_\_  
Signature of applicant official

\_\_\_\_\_  
Date

## OFFICE OF PROSECUTION SERVICES USE ONLY

Assistance **APPROVED**

☐

Assistance **DENIED**

☐

**COMMENTS:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Director – Missouri Office of Prosecution Services

\_\_\_\_\_  
Date



# APPLICATION FOR WITNESS PROTECTION ASSISTANCE



## INSTRUCTIONS

Complete **Applicant Information Sections A to E**. Type or print. All applications for witness protection must be submitted by or through a county prosecuting attorney's office or the office of the circuit attorney. The exception to this procedure would be cases where evidence can be shown that there is a problem with a particular county prosecuting attorney or circuit attorney, which would preclude involvement of that particular office.

**Section A Applicant's Contact Information:** Include your contact information.

**Section B Type of Protection Requested:** Attach a separate sheet stating: 1) the conditions which qualify the person(s) for protection, and 2) the precise methods the originating agency will use to provide protection, including relocation of person(s) and reciprocal claims with other law enforcement agencies. Also include the case number for the proceedings in which the witness will be involved.

**Section C Period of Time Protection Required:** Give an estimate of the dates protection will be required.

**Section D Estimated Cost of Providing Protection:** Indicate the anticipated cost of providing the protection services requested. **Include a complete, itemized breakdown of the costs involved.** Receipts for all costs will be required to receive state reimbursement.

**Section E Signature of Applicant Official:** This application should be signed by the authorized applicant official.

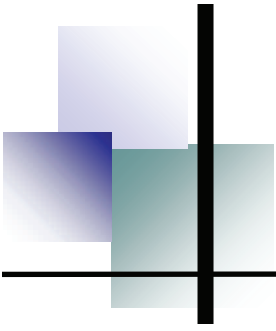
**Application Process:** All applications must be forwarded to the Missouri Office of Prosecution Services for review, recommendation, and further action.

If the application is approved, the Missouri Office of Prosecution Services is obligated only to the amount stated on the application. If it becomes apparent that additional funds will be required, the applicant must notify the Missouri Office of Prosecution Services to request additional funds. The Missouri Office of Prosecution Services will consider all requests for additional funds, but the ability to obligate additional funds is limited to the availability of said funds as appropriated by the General Assembly for such purposes. If it becomes apparent that the funds allocated by the Missouri Office of Prosecution Services are greater than the actual costs of providing protection, the applicant should notify the Missouri Office of Prosecution Services so that any unused funds can be released for use by other jurisdictions.

Please submit the application to:

Missouri Office of Prosecution Services  
Witness Protection Program  
PO Box 899  
Jefferson City, MO 65102  
Phone: (573) 522-1838 or (573) 751-0619  
Fax: (573) 751-1171





## CHAPTER 5

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# INTERNAL CONTROLS FOR PROSECUTORS





## CHAPTER 5

# INTERNAL CONTROLS FOR PROSECUTORS

(Includes controls for bad check restitution, other court-ordered restitution and delinquent state taxes.)

### Written collection procedures

Procedures regarding types of payment (cash, check or money order) that will be accepted, and whether the money order or checks are made payable to the victim or the prosecuting attorney's office should be established. Also, procedures regarding partial payments should be addressed.

The written procedures should address the bad check fee and how it is to be charged. It should specify any exceptions from the standard amount to be charged. If the fee is waived or reduced (e.g., if multiple checks are received from a defendant) the prosecuting attorney's authorization should be documented. The procedures should also state whether a money order separate from the restitution is required for the fee. If the restitution is required to be made payable to the victim, a second money order payable to the prosecuting attorney will be necessary for the bad check fee.

### Log of bad checks received for collection

A log of bad checks received for collection should be maintained. The amount of the check, the maker, victim and date received should be noted. When collections are made, the amount, date collected, and any bad check fee assessed should be recorded here or on a fee sheet. If partial payments are accepted, fee sheets or individual case files may need to be established to properly track the amounts paid, amounts paid to the victim, amounts being held pending payment to the victim, and the balance owed. Dispositions, other than collections, should be noted here as well.

Listings of cases with other court-ordered restitutions or delinquent state taxes to be collected, and the collections or other disposition, should also be kept.

Periodically, the log or other listings and the dispositions should be independently reviewed and compared to receipts and case files.

### Restitution receipts

Receipt slips need to be written for all monies received. The mode of payment (cash, check or money order) should be indicated on the receipt slip. Money orders received that are directly payable to the victim should be recorded on a log or if receipted, clearly identified as "payable to the victim" since they will not be deposited.

It may be helpful to record these receipts in a ledger. This may help reconciling receipts to deposits, determining the amount of bad check fees to be turned over to the county treasurer and reconciling the bank account.

### Deposits

Deposits should be made intact daily. They should be reconciled to the composition of the receipt slips. That is, the amounts of cash, check and money orders shown on the receipt slips should agree to the cash, check and money orders shown on the deposit slip. No personal checks should be cashed and cash should not be withheld from the deposit for a change fund. If a change fund is necessary, monies should be withheld one time, or obtained from the county's general fund, and maintained at a constant amount.

### Distributions

Distributions to victims should be made on a timely basis. Consideration should be given to making distributions of partial payments as well as full payments. Bad check fees should be paid to the county treasurer at least monthly. While the best audit trail is generally provided by a check drawn on the official bank account, some payments to victims may be transmittals of money orders payable to them. The date and method of the transmittal should be noted. In addition to the log and/or receipt slip for these monies, a copy of the money order may be helpful for the case file. Signatures of the receiving party also may be considered.



### Reconciliations

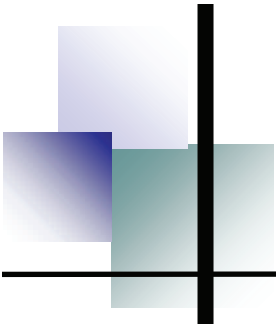
The bank account should be reconciled monthly to the checkbook and any ledger balance, and the reconciliation documented. Any amounts remaining in the bank account should be reconciled to a listing of amounts on hand by case (partial payments, or amounts collected and for some other reason not yet distributed). This can be done by totaling the open case files or fee sheets.

### Segregation of duties

The duties of cash custody and record keeping should be adequately segregated. If this is not practicable, at least an independent reconciliation of the receipts to deposits and a review of the bank reconciliation and monies remaining in the account should be made monthly.

### Bonding of employees

In addition to the elected official's required bond, consideration should be given to obtaining adequate bond coverage for any employees with access to cash.



## CHAPTER 6

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# STATUTORY DUTIES, JURISDICTION, POWERS, OBLIGATIONS OF PROSECUTORS





## CHAPTER 6

# STATUTORY DUTIES, JURISDICTION, POWERS, OBLIGATIONS OF MISSOURI PROSECUTING ATTORNEYS

**NOTE:** \*Connotes concurrent jurisdiction, authority or power with Attorney General (or other governmental office).

### STATE AUDITOR

**29.250** PROSECUTING ATTORNEY "shall" file action against officers who fail to submit to state audit. See also 29.270.

### MILITARY JUSTICE

**40.153** PROSECUTING ATTORNEY "shall" prosecute witness for failure to appear or produce evidence before military court upon certification of facts by military court - class C misdemeanor.

**40.460** PROSECUTING ATTORNEY may prosecute for neglect or refusal of any sheriff, police officer, jail warden or magistrate to execute required duties under the statute - class C misdemeanor.

**40.485** PROSECUTING ATTORNEY gets per diem expenses for attending military courts.

### STATE HIGHWAY PATROL

**43.200** The members of the highway patrol may request that the PROSECUTING ATTORNEY apply for, and members of the highway patrol may serve, search warrants anywhere within the state of Missouri, provided the sheriff of the county in which the warrant is to be served, or his designee, shall be notified upon application by the applicant of the search warrant.

**43.380** \*PROSECUTING ATTORNEY can request director of drug or crime control to initiate investigation of crime or criminal activity. (PROSECUTING ATTORNEY to be notified of such investigation if one requested by Attorney General or highway patrol, unless he's the object of it.)

**43.503** PROSECUTING ATTORNEY shall submit certain criminal arrest, charge and disposition information to the central records repository.

### TOWNSHIPS, COUNTY SEAT REMOVAL

**47.240** PROSECUTING ATTORNEY "shall commence and prosecute" actions for default in payment on county seat lots.

### COUNTY COMMISSIONS AND BUILDINGS

**49.290** PROSECUTING ATTORNEY to advise with county court when person claims to have bought county land where deed is missing.

### COUNTY FINANCES AND BUDGET

**50.160** The county commission may order suit to be brought on the bond of any delinquent and require the PROSECUTING ATTORNEY for the county to commence and prosecute the same.

**50.333** PROSECUTING ATTORNEY "shall" be a member of the county salary commission.

**50.850** The Office of Administration "may" reimburse counties for expenses related to prosecution of crimes occurring within Department of Correction institutions. Such expenses shall not exceed 50% of expenses.

**50.853** The Office of Administration may reimburse counties of 3rd and 4th class for expenses related to the trial of capital cases. Such expenses shall not exceed 50% of expenses.



### **COUNTY CLERKS**

**51.130** The PROSECUTING ATTORNEY shall institute suit on behalf of the county if the clerk fails to deliver law reports belonging to the county to his successor.

### **COUNTY COLLECTORS**

**52.150** PROSECUTING ATTORNEY "shall represent" county, county governing body, and new collector, "without additional compensation" in action against old collector, after state audit. (County court can "direct" PROSECUTING ATTORNEY to file action against former collector to recover overpaid fees.)

### **COUNTY ASSESSORS**

**52.400** PROSECUTING ATTORNEY may file removal action against county collector (2nd class counties)

### **COUNTY AUDITORS**

**55.290** County auditor can be prosecuted and removed from office in same manner as circuit clerk by PROSECUTING ATTORNEY (under 483.170 and 483.175) (2nd class and certain 1st class counties)

### **CORONERS AND INQUESTS**

**58.375** The coroner shall immediately file a record of proceedings of a coroner's inquest with the PROSECUTING ATTORNEY when a jury verdict is obtained. If no inquest is necessary, the coroner shall file a written report with the PROSECUTING ATTORNEY setting forth the facts and circumstances.

**58.715** PROSECUTING ATTORNEY shall act as sheriff, in lieu of coroner acting as such, in counties which have a medical examiner.

**58.720** In any case of sudden, violent or suspicious death after which the body was buried without any investigation or autopsy, the medical examiner may request that the PROSECUTING ATTORNEY apply for a court order requiring the body to be exhumed.

**58.740** The medical examiner shall promptly deliver to the PROSECUTING ATTORNEY of the county copies of all records relating to every death in which further investigation may be deemed advisable. The PROSECUTING ATTORNEY may obtain from the medical examiner copies of the records which he deems necessary.

### **LAND SURVEYS**

**60.550** The PROSECUTING ATTORNEY is specifically directed to prosecute for destruction of public land survey markers. See also 60.351.

### **COUNTY PLANNING AND ZONING**

**64.291** The enforcement officer or his deputies shall file a complaint of all violations of the regulations of sections 64.211 to 64.295 with the county PROSECUTING ATTORNEY, in the name of the county, for appropriate action. (Noncharter first class counties)

**64.690** \*PROSECUTING ATTORNEY "may" file appropriate action where county zoning laws are violated. (2nd & 3rd class counties)

**64.895** \*PROSECUTING ATTORNEY "may" file appropriate action where county zoning laws are violated. (Some 1st class, all 2nd, 3rd, and 4th class counties)

### **TOWNSHIP ZONING**

**65.697** The PROSECUTING ATTORNEY (and others) may file to prevent unlawful subdivision development etc.

### **POLITICAL SUBDIVISIONS. MISCELLANEOUS POWERS**

**67.681** County, acting through PROSECUTING ATTORNEY may bring action to collect delinquent tourism sales tax.





### **CITIES AND TOWNS**

**71.120** \*PROSECUTING ATTORNEY may inquire into breaches of trust, fraud or negligence regarding property held by municipal corporation in a fiduciary capacity.

### **PUBLIC OFFICERS AND EMPLOYEES**

**105.492** \*PROSECUTING ATTORNEY, at the request of the Missouri Ethics Commission may take "appropriate legal action" to enforce penalties for failure to file financial interest statements.

**105.961** Refer for procedure by which Missouri Ethics Commission may refer complaint to PROSECUTING ATTORNEY.

### **REMOVAL AND IMPEACHMENT OF PUBLIC OFFICERS**

**106.230** It "shall be duty" of a PROSECUTING ATTORNEY to file removal action on county or municipal official (if he thinks the facts justify it).

**106.240** Special PROSECUTING ATTORNEY to act under 106.230 where PROSECUTING ATTORNEY is the offender.

**106.250** \*Attorney General can act under 106.230 or 106.240 if PROSECUTING ATTORNEY refuses.

**106.260** \*PROSECUTING ATTORNEY "may" file to disqualify sheriff from summoning jury in removal action. See also 106.280 re: prosecutor fees

### **COLLECTION OF STATE TAXES**

**136.150** \*Director of Revenue can "call upon" PROSECUTING ATTORNEY to assist in collection of delinquent taxes. (Percentage of amounts collected to go to county, one-half of which to PROSECUTING ATTORNEY's budget.)

### **ASSESSMENT AND LEVY OF PROPERTY TAXES**

**137.040** The PROSECUTING ATTORNEY or county counselor of any county, upon the request of the county commission shall present a petition to the circuit court specifying the reasons why other tax or taxes should be assessed, levied and collected.

**137.073** Taxpayer who believes there has been a violation of levy rollback provisions, may make formal complaint to PROSECUTING ATTORNEY - If PROSECUTING ATTORNEY fails to act within ten days taxpayer can file civil class action. (if he wins he gets attorneys fees.)

**137.950** PROSECUTING ATTORNEY "shall" commence to maintain action to recover taxes assessed against intransit property.

### **STATE TAX COMMISSION**

**138.410** \*State Tax Commission "may" call on PROSECUTING ATTORNEY to assist it in carrying out duties and "it shall be duty" of PROSECUTING ATTORNEY to so act.

### **PAYMENT AND COLLECTION OF CURRENT TAXES**

**139.270** The PROSECUTING ATTORNEY shall proceed to collect the county, school, road and municipal taxes by suit on the official bond of the defaulting county collector.

**139.420** In the case of a defaulting township collector, the director of revenue and PROSECUTING ATTORNEY shall proceed against the collector. See also 139.440.

### **COLLECTION OF DELINQUENT TAXES**

**140.280** PROSECUTING ATTORNEY "shall" conduct collector's action against defaulting purchaser at tax sale (he gets \$5 for services).



#### **MOTOR VEHICLE FUEL TAX**

**142.180** PROSECUTING ATTORNEY "shall" if requested by Attorney General assist in action to collect delinquent motor vehicle fuel tax.

#### **INCOME TAX**

**143.861** \*PROSECUTING ATTORNEY at the direction of the attorney general" shall sue to recover unpaid income tax.

#### **SALES AND USE TAX**

**144.420** \*PROSECUTING ATTORNEY "shall" "forthwith", if requested, by Attorney General, file and prosecute action to collect delinquent state sales tax.

#### **CIGARETTE TAX**

**149.055** \*PROSECUTING ATTORNEY "shall" assist Director of Revenue, if requested, in proceedings for forfeiture of unstamped cigarettes.

#### **MERCHANTS LICENSES AND TAXES**

**150.110** The collector shall report to each grand jury or PROSECUTING ATTORNEY of his county the names and localities of all persons who refuse to take out or renew their license at the proper time as required by law.

**150.440** Claims for satisfaction of fines and penalties by creditors against the Director of Revenue shall be enforced by PROSECUTING ATTORNEY serving notice of action and judgment when obtained upon director of revenue.

**150.450** "Informing or prosecuting officer" of county or municipality "shall" enforce and prosecute violations itinerant vendors license law.

#### **TAXATION OF RAILROADS**

**151.240** "It shall be duty" of PROSECUTING ATTORNEY to prosecute actions to collect delinquent railroad taxes (collector may ask governor to have Attorney General help).

#### **SCHOOLS**

**160.261** Following the investigation of alleged child abuse arising out of spanking administered by school personnel, the division of family services shall report the incident to the PROSECUTING ATTORNEY if the issue is unresolved by the school board.

#### **PUPILS AND SPECIAL SERVICES**

**167.071** An attendance officer shall refer violations of laws regarding compulsory school attendance involving private, parochial and home schools to the PROSECUTING ATTORNEY.

**167.115** Upon the disposition of any such case, the juvenile office or PROSECUTING ATTORNEY or their designee shall send a second notification to the superintendent providing the disposition of the case, including a brief summary of the relevant finding of facts, no later than five days following the disposition of the case.

#### **EMERGENCY SERVICES**

**190.180** \*PROSECUTING ATTORNEY "may" file injunction action against violation of ambulance service law.

#### **HEALTH AND WELFARE**

**191.225** The department of health shall pay certain costs of victims of certain offenses if, among other things, the report of the examination is filed by the victim with the PROSECUTING ATTORNEY.

**191.677** The department of health, law enforcement or victim may file complaint with PROSECUTING ATTORNEY alleging a violation of the section (unlawful transmission of HIV).



**191.910** Sections 1, 2, & 3. \*In order for the Attorney General to commence a state prosecution for violations of the Medicaid Fraud Act, the Attorney General shall prepare and forward a report of the violations to the appropriate PROSECUTING ATTORNEY. Upon receiving a referral, the PROSECUTING ATTORNEY "shall" either commence a prosecution based on the report by the filing of a complaint, information, or indictment within 60 days of receipt of said report or shall file a written statement with the Attorney General explaining why criminal charges should not be brought. This time period may be extended by the PROSECUTING ATTORNEY with the agreement of the Attorney General for an additional 60 days. If the PROSECUTING ATTORNEY commences a criminal prosecution, the Attorney General or his designee shall be permitted by the court to assist. If the PROSECUTING ATTORNEY fails to commence a prosecution and fails to file a written statement listing the reasons why criminal charges should not be brought within the appropriate time period, or declines to prosecute on the basis of inadequate office resources, the Attorney General shall have authority to commence the prosecutions as authorized.

#### **DEAD BODIES**

**194.120** PROSECUTING ATTORNEY can inspect records of institutions receiving dead bodies for anatomy classes.

#### **DRUG REGULATIONS**

**195.130** \*The PROSECUTING ATTORNEY may, in addition to any criminal prosecutions, prosecute a suit in equity to enjoin the public nuisance relating to the use, keeping or selling of controlled substances.

**195.190** It is the "duty" of COUNTY ATTORNEY to enforce provisions of §195.005 to 195.425 and to cooperate with other agencies in doing so.

**195.253** \*The PROSECUTING ATTORNEY may, in addition to any criminal prosecutions, prosecute a suit in equity to enjoin the public nuisance involving shops, stores, warehouses and other structures used for the possession, transportation or distribution of controlled substances.

**195.371** No criminal liability is imposed by the PROSECUTING ATTORNEY engaged in the enforcement of §195.005.2, 195.425 in good faith.

#### **FOOD AND DRUGS**

**196.035** "It shall be duty" of PROSECUTING ATTORNEY, if requested, to assist Division of Health in enforcing food, drug and cosmetic laws.

**196.230** "It shall be duty" of PROSECUTING ATTORNEY, if requested, to assist Division of Health in enforcing restaurant food sanitation laws.

**196.357** \*PROSECUTING ATTORNEY can ask for injunction against violation of egg laws.

**196.953** \*PROSECUTING ATTORNEY can ask for injunction against violation of milk and milk products laws.

#### **NURSING HOMES**

**198.070** \*PROSECUTING ATTORNEY "may" file petition for temporary care and protection of person under Omnibus Nursing Home Act.

**198.161** Director of Fraud Investigation Division of Department of Social Services "may require" PROSECUTING ATTORNEY to assist in investigation of Medicaid violations. If PROSECUTING ATTORNEY "shall" fail or refuse to prosecute violation cases referred to him by director, PROSECUTING ATTORNEY "shall" notify Attorney General, who can act.

#### **MISSOURI REHABILITATION CENTER**

**199.200** PROSECUTING ATTORNEY "shall" act as counsel for county board of health in proceeding to commit TB patient.



### **SEWER DISTRICTS**

**204.330** The Board of Trustees of a common sewer district may petition the PROSECUTING ATTORNEY to institute criminal proceedings.

### **COUNTY TUBERCULOSIS HOSPITALS**

**205.390** PROSECUTING ATTORNEY (and county commission) approves bond for Board of Tuberculosis Hospital Treasurer.

### **CHILD PROTECTION**

**210.150** The PROSECUTING ATTORNEY shall have access to child abuse investigation reports maintained in the division of family services central registry.

**210.167** If an investigation conducted by the division of family services pursuant to 210.145 reveals that the only basis for action involves a question of an alleged violation of section 167.031, RSMo, then the local office of the division shall send the report to the school district in which the child resides. The school district shall immediately refer all private, parochial, parish or home school matters to the PROSECUTING ATTORNEY of the county wherein the child legally resides. The school district may refer public school violations of compulsory school attendance law to the PROSECUTING ATTORNEY.

**210.192** The PROSECUTING ATTORNEY "shall" impanel a child death review team for the county or city not within a county in which he serves to investigate the deaths of children under the age of 15 years. The team shall include the PROSECUTING ATTORNEY. The PROSECUTING ATTORNEY "shall" organize the team and shall call the first organizational meeting of the team.

**210.245** \*PROSECUTING ATTORNEY may file injunctive relief to oversee or prevent operation of a day care center for violation of licensing laws.

**210.255** \*PROSECUTING ATTORNEY may seek injunctive relief against religious child care facility for noncompliance with child care laws.

**210.256** \*PROSECUTING ATTORNEY may file injunctive relief overseeing or preventing operation of a child care facility for violating fire, safety, health and sanitation laws.

**210.491** \*PROSECUTING ATTORNEY or division of family services may seek injunctive relief against foster home, residential care facility or child placing agency.

**210.834** Costs of blood tests to determine paternity under uniform parentage act shall be assessed against state if the division of child support enforcement, through the PROSECUTING ATTORNEY is a party to the action.

### **UNIFORM PARENTAGE ACT**

**210.846** All papers and records, other than the interlocutory or final judgment pertaining to the uniform parentage act, are subject to inspection only by the PROSECUTING ATTORNEY under contract with the Division of Child Enforcement or upon consent of the court and all interested persons,...

### **JUVENILE COURTS**

**211.068** Upon the filing of a motion to dismiss the petition to allow prosecution under the general law, the juvenile officer shall provide the PROSECUTING ATTORNEY who has jurisdiction with a copy of such motion. The PROSECUTING ATTORNEY shall have access to police reports, reports of the juvenile/deputy juvenile officer, statements of witnesses and all other records or reports relating to the offense alleged to have been committed by the child and disposition records of the child.



- 211.071** The juvenile officer may consult with the PROSECUTING ATTORNEY concerning any offense for which the child could be certified as an adult. The PROSECUTING ATTORNEY shall have access to all records as in 211.068.
- 211.321** Records of juvenile court proceedings shall be open without court order to PROSECUTING ATTORNEYS, among others, under guidelines set forth in the section.
- 211.411** "It is the duty" of PROSECUTING ATTORNEY to give "aid and cooperation" to juvenile officer.
- 211.421** Contributing to the delinquency of a minor cases shall be referred to PROSECUTING ATTORNEY for "appropriate proceedings."

#### **DEPARTMENT OF CORRECTIONS**

- 217.120** The director of the department of corrections shall report any violations of the section relating to bribery or receipt of gifts by prisoners of department employees to PROSECUTING ATTORNEY.
- 217.265** PROSECUTING ATTORNEY (among a host of others) authorized to visit a state correctional institution at any time.
- 217.305** Information relating to an offender shall be provided to the department of corrections, including all other judgment, sentencing and commitment orders of the court, or "such documents as authorized" by PROSECUTING ATTORNEY or required by the department. See also 217.831 and 217.837.
- 217.345** Any PROSECUTING ATTORNEY who prosecutes an offender under the age of seventeen shall maintain records regarding the sentencing of that offender, including any treatment programs to which that offender is assigned.
- 217.450** A prisoner who filed a request for final disposition under the Uniform Mandatory Disposition of Detainers Act must file request to the PROSECUTING ATTORNEY charged with prosecuting it. See also 217.455.
- 217.690** The PROSECUTING ATTORNEY shall be allowed to attend parole hearings or provide information to the panel.
- 217.762** If the court does not order a pre-sentence investigation, the PROSECUTING ATTORNEY may prepare a victim impact statement to be submitted to court.
- 217.805** All applications for remittitur by governor of fines imposed by any statute, or for any forfeiture of a recognizance shall be signed by the PROSECUTING ATTORNEY.
- 217.839** \*PROSECUTING ATTORNEY "may" seek reimbursement for the state by prisoners upon request of the attorney general.

#### **JAILS**

- 221.111** The chief operating officer of a county jail may refer to the PROSECUTING ATTORNEY any person who knowingly delivers or attempts to deliver any weapon to the jail.

#### **ESTABLISHMENT AND VACATION OF ROADS**

- 228.100** At direction of county court, PROSECUTING ATTORNEY to institute condemnation proceedings for county roads (in counties with more than 80,000 population adjoining cities).



### **ROADS**

**229.110** PROSECUTING ATTORNEY to file civil forfeiture action for failure to cut hedge fence along road. If he doesn't within 30 days, governor "shall" remove him and appoint someone else.

**229.440** The county commission shall direct the PROSECUTING ATTORNEY to prepare a contract relating to the removal of coal or other mineral from a public road.

### **MAINTENANCE OF PUBLIC ROADS**

**231.320** "It shall be the duty" of PROSECUTING ATTORNEY to prosecute actions under township organizations-road overseers law.

### **DAMS, MILLS AND ELECTRIC POWER**

**236.450** \*Chief engineer may request PROSECUTING ATTORNEY to bring suit in name of the state to recover expense from the owner of a dam or reservoir that is a threat to public life, safety or property. See also 236.455 and 236.495 (injunctive relief).

### **BARGES, FERRIES AND WHARVES**

**237.220** PROSECUTING ATTORNEY "shall commence and prosecute" action on ferryman's bond.

### **SEWER DISTRICTS**

**249.822** The municipality may petition PROSECUTING ATTORNEY to institute criminal proceedings relating to sewers.

### **DEPARTMENT OF CONSERVATION**

**252.070** \*It shall be the duty" of PROSECUTING ATTORNEY (among others) "to aid diligently in enforcing" fish and game laws.

### **STATE FORESTRY LAW**

**254.260** \*It shall be the duty" of PROSECUTING ATTORNEY (among others) "to aid diligently in enforcing" State Forestry Laws.

### **WATER RESOURCES**

**256.628** \*The Division of Natural Resources shall seek injunctive relief through office of PROSECUTING ATTORNEY for violations by public water supplies.

**256.637** \*Civil and criminal actions filed by PROSECUTING ATTORNEY for violations of laws relating to public water safety.

### **ENVIRONMENTAL CRIMES**

**260.211** \*Criminal charges relating to demolition waste.

**260.212** \*Criminal charges related to solid waste.

**260.230** \*"It shall be the duty" of PROSECUTING ATTORNEY at request of Director of Department of Natural Resources, to ask for injunction against violations of Solid Waste Disposal Law found by department.

**260.240** \*"It shall be the duty" of PROSECUTING ATTORNEY, at request of Director of Department of Natural Resources, to take action for damages (and county court can ask PROSECUTING ATTORNEY to bring action for violation of county ordinance).

**260.249** \*Administrative Penalties relating to solid waste disposal.

**260.270** \*Criminal prosecutions relating to waste tires.

**260.375** \*Department of Natural Resources "may cause" PROSECUTING ATTORNEY to file injunction action against Hazardous Waste Management Law violations.





**260.412** Administrative penalties relating to hazardous waste management.

**260.420** \*Hazardous Waste Management Commission can "cause" PROSECUTING ATTORNEY to file injunction action against violation of Hazardous Waste Law.

#### **DESTRUCTION OF WEEDS**

**263.190** PROSECUTING ATTORNEY "may" file civil forfeiture action in the name of the county court to recover fine from landowner who fails to destroy thistles. (Before he does so, he "shall" give landowner fifteen days notice.)

**263.220** "It shall be the duty" of PROSECUTING ATTORNEY to prosecute all actions under the destruction of weeds law.

**263.259** "It shall be the duty" of PROSECUTING ATTORNEY upon report of violation to prosecute actions for violation of Johnson grass law.

**263.456** "It shall be the duty" PROSECUTING ATTORNEY of the county to prosecute all violations of § 263.450 relating to noxious weed control.

**263.460** The PROSECUTING ATTORNEY may bring nuisance action regarding the existence or growth of noxious weeds.

#### **AGRICULTURE**

**265.130** \*PROSECUTING ATTORNEY to receive complaints from Department of Agriculture for violation of apple marking laws.

**265.170** \*Upon request of Attorney General, PROSECUTING ATTORNEY "shall forthwith" file action to collect unpaid apple merchandising fees.

**265.497** \*Violation of meat advertising "shall" be reported to PROSECUTING ATTORNEY, by department of agriculture.

#### **SEED LAW**

**266.111** \*It shall be the duty" of PROSECUTING ATTORNEY to institute proceedings "at once" against those accused of violation of Missouri Seed Law (If in PROSECUTING ATTORNEY's judgment, information warrants court action). If the PROSECUTING ATTORNEY refuses or fails to act on request of the director, the Attorney General shall so act.

**266.210** \*PROSECUTING ATTORNEY may institute proceedings against violation of Missouri Commercial Feed Law.

**266.390** "It shall be the duty" of PROSECUTING ATTORNEY upon report of violation to file action against violation of Soil Conditioners Law "without delay".

#### **STATE VETERINARIAN - DISEASED ANIMALS**

**267.535** \*PROSECUTING ATTORNEY can file for injunction against violation of Brucellosis Control Law (Bang's disease).

**267.655** \*PROSECUTING ATTORNEY can file for injunction against violation of Livestock Disease Control and Eradication Law.

**267.727** \*PROSECUTING ATTORNEY can file for injunction against violation of Scabies Control and Eradication Law.

#### **COMMODITIES**

**275.350** \*If requested by Attorney General, PROSECUTING ATTORNEY shall file suit to collect delinquent commodity merchandising program fees.



### **STOCKYARDS, GRAIN AND PRODUCE EXCHANGES**

**276.486** \*PROSECUTING ATTORNEY may seek injunctive relief for violations of Missouri Grain Dealer Law.

**276.536** \*PROSECUTING ATTORNEY "may" "without delay" file and prosecute violations of Grain Dealer Law that are reported to him.

**276.582** \*PROSECUTING ATTORNEY may prosecute grain dealers for violation of law requiring signs to be posted stating license status of grain dealer.

### **AGRICULTURE AND ANIMALS**

**281.061** \*PROSECUTING ATTORNEY "may" institute proceedings against Missouri Pesticide Use Act violations, if requested to do so (if PROSECUTING ATTORNEY doesn't Attorney General can do so).

### **PESTICIDES**

**281.270** PROSECUTING ATTORNEY "may" institute civil proceedings for violation of Missouri Pesticide Registration Act when reported to him by Director of Department of Agriculture. (If he doesn't Attorney General can.)

**281.280** Director may refer violations to PROSECUTING ATTORNEY.

### **HEALTH AND SAFETY OF EMPLOYEES**

**292.250** It is "the express duty" of the PROSECUTING ATTORNEY "to lend all possible aid" in prosecutions for violations of health and safety of employees laws.

### **MINING REGULATIONS**

**293.430** "It shall be the duty" of the PROSECUTING ATTORNEYS to prosecute any person, firm or corporation violating the provisions of this section relating to the inspection of weights and measures in coal mines the same as in other misdemeanor cases.

### **REGISTRATION AND LICENSING OF MOTOR VEHICLES**

**301.564** \*PROSECUTING ATTORNEY may inspect designated documents relating to odometer readings in possession of dealers or manufacturers.

**301.570** PROSECUTING ATTORNEY "shall" investigate a complaint filed by any person relating to the selling or disposing of repossessed motor vehicles and take appropriate action.

**301.716** PROSECUTING ATTORNEY may institute criminal proceedings relating to all-terrain vehicles.

### **DRIVERS' AND CHAUFFEURS' LICENSES**

**302.311** PROSECUTING ATTORNEY "shall" represent director of revenue in appeals to circuit court of drivers license suspensions, revocations, denials, etc.

**302.750** PROSECUTING ATTORNEY shall appear on behalf of law enforcement officer at a license suspension hearing based on the refusal of a commercial motor vehicle operator to submit to a chemical test.

### **MOTOR VEHICLE FINANCIAL RESPONSIBILITY LAW**

**303.290** PROSECUTING ATTORNEY "shall" represent director of revenue in appeals to circuit court under Motor Vehicle Safety Responsibility Law.

### **LIQUOR CONTROL LAW**

**311.390** \*PROSECUTING ATTORNEY may bring action on behalf of the supervisor of liquor control or director of revenue for violation of law requiring common carriers to provide information relating to the transport of liquor.





- 311.480** \*PROSECUTING ATTORNEY may file nuisance action relating to violations of liquor licenses by eating establishments.
- 311.710** "It shall be the duty" of PROSECUTING ATTORNEY "to prosecute diligently and without delay" complaints under this section for violations of the liquor control laws.
- 311.750** \*PROSECUTING ATTORNEY can file nuisance action to enjoin violation of liquor control laws.
- 311.770** \*Upon disclosure in criminal action, "it shall be the duty" of PROSECUTING ATTORNEY to proceed promptly under nuisance law against liquor control law violations (if PROSECUTING ATTORNEY doesn't, Attorney General can so act).
- 311.780** "It shall be the duty" of PROSECUTING ATTORNEY to send to liquor control a written report of action on complaints referred to him.
- 311.790** \*PROSECUTING ATTORNEY "shall" investigate and prosecute liquor control law violations; he "shall" represent liquor control in any and all legal matters under chapter 311; he "may" file actions to collect delinquent liquor control fees and taxes.
- 311.800** Attorney General may direct PROSECUTING ATTORNEY to file actions under liquor control laws.
- 311.810** \*PROSECUTING ATTORNEY can apply for search warrant under liquor control laws.
- 311.840** \*"It shall be the duty" of PROSECUTING ATTORNEY, when called upon, to represent officer in forfeiture proceedings under liquor control laws.
- 311.850** \*"It shall be the duty" of PROSECUTING ATTORNEY, when called upon, to represent officer in replevin actions under liquor control laws.

#### **NONINTOXICATING BEER**

- 312.180** \*PROSECUTING ATTORNEY may bring action on behalf of the supervisor of liquor control or director of revenue for violation of law requiring common carriers to provide information relating to the transport of nonintoxicating beer.
- 312.320** \*PROSECUTING ATTORNEY "shall" investigate and prosecute nonintoxicating beer law violations; he "shall" represent liquor control in any and all legal matters under chapter 312; he "may" file actions to collect delinquent nonintoxicating beer law fees and taxes.
- 312.340** \*"It shall be duty" of PROSECUTING ATTORNEY to send to liquor control a written report of action on complaints referred to him. Attorney General can direct PROSECUTING ATTORNEY to file actions under nonintoxicating beer law violations.
- 312.830** "It shall be the duty" of PROSECUTING ATTORNEY "to prosecute diligently and without delay" complaints under this section violation of the nonintoxicating beer law.

#### **GAMING**

- 313.310** \*Violations of Missouri Gaming Operations to be reported to PROSECUTING ATTORNEY, by highway patrol. (If he doesn't act within thirty days, Attorney General can act.)
- 313.380** \*State Gaming Commission shall refer violations of gambling excursion boats to PROSECUTING ATTORNEY (as well as Attorney General who has concurrent jurisdiction).

#### **PUBLIC AMUSEMENT**

- 316.100** PROSECUTING ATTORNEY has the "right" to file injunction action for violations of places of public amusement laws.



#### **UNDERGROUND FACILITY SAFETY AND DAMAGE PREVENTION**

- 319.045** \*PROSECUTING ATTORNEY may bring action to recover civil penalty for violation of law relating to damage of underground facility in connection to excavation.
- 319.127** \*PROSECUTING ATTORNEY may bring action for violations of underground storage tank laws. See also 319.139.
- 319.503** \*PROSECUTING ATTORNEY may bring civil action relating to the transportation of hazardous materials through pipelines.

#### **FIRE PROTECTION**

- 320.060** "It is made the duty" of the PROSECUTING ATTORNEY to institute and prosecute "infractions" of fire protection law.
- 320.081** \*PROSECUTING ATTORNEY (among others) "may" request records of fire insurance company if they believe an arson has been committed.
- 320.082** \*If fire insurance company reports arson to PROSECUTING ATTORNEY, PROSECUTING ATTORNEY "shall" acknowledge receipt and PROSECUTING ATTORNEY shall notify state fire marshal (and others) and, upon request, "shall" provide copies of report.
- 320.083** \*Upon request, PROSECUTING ATTORNEY "shall" provide arson case information to insurance company. (Prosecuting Attorney to approve release of such information by other agencies.)
- 320.235** Records of fire losses in the states in the custody of the State Fire Marshall shall be available to PROSECUTING ATTORNEY.

#### **FIRE PROTECTION DISTRICTS**

- 321.220** PROSECUTING ATTORNEY "shall" prosecute violations of fire protection district ordinances (he can appoint the district lawyer as an unpaid assistant to handle such case).
- 321.600** PROSECUTING ATTORNEY "shall" prosecute violations of fire protection district ordinances in 1st class counties (he can appoint the district lawyer as an unpaid assistant to handle such cases).

#### **LIQUEFIED PETROLEUM GASES**

- 323.110** \*If PROSECUTING ATTORNEY fails to bring criminal action against violator of liquid petroleum gases, Attorney General may bring action.

#### **CLINICAL PERFUSIONIST**

- 324.174** \*Missouri Board of Occupational Therapy may request PROSECUTING ATTORNEY to enjoin violation of the clinical perfusionist act.

#### **CHIROPRACTORS**

- 331.080** "It shall be the duty" of the PROSECUTING ATTORNEY to prosecute persons charged with violating the chiropractors law.

#### **PHARMACISTS AND PHARMACIES**

- 338.180** "It shall be the duty" of the PROSECUTING ATTORNEY, upon request of the board of pharmacy secretary to take charge of and conduct prosecutions for violations of the pharmacists law.

#### **PLUMBERS AND PLUMBING**

- 341.150** The plumbing supervisor shall report to the PROSECUTING ATTORNEY all violations of plumbing law or regulations.
- 341.220** PROSECUTING ATTORNEY "shall rigidly enforce" the plumbers and plumbing law (1st class counties).



#### **NURSING HOME ADMINISTRATORS**

**344.070** The Missouri Board of Nursing Home Administrators shall refer to the PROSECUTING ATTORNEY information regarding any persons violating the nursing home licensing laws.

#### **LIMITED LIABILITY COMPANIES**

**347.163** If the secretary of state is advised that a foreign limited liability company is transacting business within this state in contravention of sections 347.010 to 347.187, the secretary shall report the fact to the PROSECUTING ATTORNEY of any county in which the limited liability company is transacting business, and the prosecuting attorney shall, as soon thereafter as is practical, institute proceedings to recover the fine prescribed in this section.

#### **GENERAL AND BUSINESS CORPORATIONS**

**351.574** The secretary of state immediately after August first, of each year, and as often thereafter as advised that corporations are doing business in contravention of sections 351.572 to 351.604 shall report the fact to the PROSECUTING ATTORNEY who "shall", as soon as is practicable, institute proceedings to recover the designated fine which shall go into school moneys as provided for.

#### **RELIGIOUS AND CHARITABLE ASSOCIATIONS**

**352.240** \*"It shall be the duty" of PROSECUTING ATTORNEY, upon complaint, "to inquire diligently into," and upon reasonable cause, file quo warrant action to dissolve religious or charitable corporation.

#### **PREPAID DENTAL PLANS**

**354.325** In the event of a violation of this section or of section 354.320, the PROSECUTING ATTORNEY shall proceed at once by information or indictment against the offenders.

#### **NOT-FOR-PROFIT CORPORATION LAW**

**355.490** \*It shall be the duty" of PROSECUTING ATTORNEY, upon complaint, "to inquire diligently into," and upon reasonable cause, file quo warrant action to dissolve religious or charitable corporation.

#### **HEALTH AND EDUCATIONAL FACILITIES**

**359.551** PROSECUTING ATTORNEY "shall, as soon thereafter as is practicable," upon report by secretary of state, file action for fine against violation of Foreign Limited Partnership Law.

#### **DIVISION OF FINANCE**

**361.310** Director of finance to report criminal violations of banking institutions to PROSECUTING ATTORNEY.

#### **PAWNBROKERS**

**367.048** PROSECUTING ATTORNEY shall notify pawnbroker in writing that property is needed in case and regarding disposition of case.

#### **INSURANCE**

**375.310** \*PROSECUTING ATTORNEY (as well as others) may bring suit for unauthorized transaction of insurance business.

**375.400** If certain insurance company laws are violated, PROSECUTING ATTORNEY "shall proceed at once" against offenders.

**380.401** \*PROSECUTING ATTORNEY "shall" proceed "at once" against violators of 380.391. (Misuse of mutual property insurance company assets.)



## **RAILROADS**

**388.510** \*PROSECUTING ATTORNEY can bring action to recover fine for foreign railroad corporation illegally doing business in state.

## **REGULATION OF RAILROAD CORPORATIONS**

**389.860** \*PROSECUTING ATTORNEY shall recover designated fine from persons, company or corporation operating a railroad in violation of 389.810 to 389.870.

## **MERCHANDISING PRACTICES**

**407.020** It "shall" be the duty of the PROSECUTING ATTORNEY to commence criminal actions under this section. (Statute specifically designates that the attorney general has concurrent jurisdiction to prosecute violations of unlawful practices.)

**407.420** It shall be the duty of each PROSECUTING ATTORNEY to commence any criminal actions relating to pyramid sales schemes.

**407.551** \*PROSECUTING ATTORNEY "may" bring injunction action for violation of odometer fraud statute. PROSECUTING ATTORNEY "may" also ask for revocations of illegally issued license.

**407.553** \*PROSECUTING ATTORNEY "shall have authority" to file civil or criminal actions for odometer fraud against civil action for damages.

**407.740** \*"It shall be the duty" of each PROSECUTING ATTORNEY to commence any criminal actions under §407.738 to 407.745 relating to the unlawful subleasing of a motor vehicle.

**407.800** PROSECUTING ATTORNEY may take action under 407.020 and 407.100 relating to going-out-of-business sales if the attorney general fails to take action within one-hundred twenty days after violation of the section.

## **REGULATION OF SECURITIES**

**409.410** \*PROSECUTING ATTORNEY "may", with or without referral from commissioner of securities, bring criminal action against securities law criminal violations.

**409.536** \*Attorney General may prosecute violators of Missouri Takeover Bid Disclosure Act, or may transmit evidence to PROSECUTING ATTORNEY who "shall" prosecute violations.

**409.828** \*The commissioner of securities may refer such evidence as is available concerning violations of sections 409.800 to 409.863 (commodities regulation) to the attorney general or the proper PROSECUTING ATTORNEY, who may, with or without such a reference from the commissioner, institute the appropriate criminal proceedings under sections 409.800 to 409.863.

## **MISSOURI GRAIN AND WAREHOUSE LAW**

**411.301** \*PROSECUTING ATTORNEY "shall" upon request of director of agriculture, prosecute injunction action for Grain Warehouse Law violations.

**411.775** \*It shall be the duty of the attorney general or each PROSECUTING ATTORNEY to whom any violation of chapter 411 is reported to cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay.

## **STANDARDS OF WEIGHTS AND MEASURES**

**413.205** \*The PROSECUTING ATTORNEY of any county in which a violation of any provision of this chapter occurs or the attorney general is hereby authorized to apply to any court of competent jurisdiction for, and such court shall have jurisdiction upon hearing and for cause shown to grant, a temporary or permanent injunction to restrain any person from violating any provisions of this chapter.



### **FUEL REGULATION AND CONSERVATION**

**414.152** \*The prosecutor of each county in which a violation occurs shall be empowered to bring an action under this section. But if a PROSECUTOR declines to bring such action, then the attorney general may bring an action instead, and in so doing shall have all powers and jurisdiction of such PROSECUTOR.

### **ANTI-TRUST**

**416.051** Attorney General may require assistance of PROSECUTING ATTORNEY in investigating and bringing anti-trust criminal case (PROSECUTING ATTORNEY's expenses to be reimbursed).

**416.061** Attorney General may require assistance of PROSECUTING ATTORNEY in investigating and bringing anti-trust injunction action (PROSECUTING ATTORNEY's expenses to be reimbursed).

**416.450** \*"It is the duty" of PROSECUTING ATTORNEY to prosecute injunction suits, brought at request of director of department of agriculture, against violations of Unfair Milk Sales Practices Law.

**416.505** \*PROSECUTING ATTORNEY "shall" bring action against violator of license provisions of Unfair Milk Sales Practices Law.

**416.625** \*The attorney general, with such assistance as he may require from the appropriate county PROSECUTING ATTORNEY, may investigate suspected violations of sections 416.600 to 416.640 and may commence and try all such actions for a civil penalty. Section provides for reimbursement of costs and expenses.

**416.630** \*The attorney general may institute civil proceedings to prevent and restrain violations of sections 416.600 to 416.640. The attorney general, at his discretion, may direct the appropriate county PROSECUTING ATTORNEY of any county in which any proceeding is instituted or brought by the state under sections 416.600 to 416.640 or in which any investigation of a violation of sections 416.600 to 416.640 is occurring to aid and assist him in the conduct of such investigations and proceedings.

### **EXPEDITED EVICTION PROCEEDINGS**

**441.710** A PROSECUTING ATTORNEY of the jurisdiction in which the leased property is located has standing to bring a civil action pursuant to 441.710 to 441.880.

**441.850** The PROSECUTING ATTORNEY may recover from the landlord the reasonable costs of prosecution if the landlord failed to take reasonable corrective action within thirty days after having received a written request to do so by the prevailing plaintiff.

### **METALLIC MINERALS WASTE MANAGEMENT**

**444.375** \*Any offer of settlement to resolve a civil penalty may be instituted by the PROSECUTING ATTORNEY or attorney general on behalf of Department of Natural Resources.

**444.376** \*The state may elect to assess an administrative penalty, or, in lieu thereof, to request that the attorney general or PROSECUTOR file an appropriate legal action seeking a civil penalty in the appropriate circuit court.

### **CHILD SUPPORT ENFORCEMENT**

**454.060** Before making the demand on the governor of any other state for the surrender of a person charged in this state with the crime of failing to provide for the support of any person, the governor of this state may require any PROSECUTING ATTORNEY of this state to satisfy him that at least sixty days prior thereto the obligee brought an action for the support under sections 454.010 to 454.360, or that the bringing of an action would be of no avail.

**454.120** PROSECUTING ATTORNEY, upon request of court or division of family services, "shall represent" plaintiff in URESA actions.





- 454.180** "It shall be the duty" of PROSECUTING ATTORNEY to "diligently" prosecute incoming URESA actions; to "take all action necessary"; and "shall request a hearing date and place.
- 454.190** PROSECUTING ATTORNEY "shall, on his own initiative, use all means at his disposal" to trace defendant and "shall" inform the court of his actions.
- 454.355** The county receiving foreign support orders shall notify the PROSECUTING ATTORNEY of their receipt. The PROSECUTING ATTORNEY and the court in the county to which the copies are forwarded shall then have duties corresponding to those imposed upon them when acting for this state as a responding state, including, but not limited to, the registration of an order for support entered by another court within this state.
- 454.405** PROSECUTING ATTORNEY to carry out child support enforcement duties, mandated by statute by cooperative agreements entered into with the Division of Child Support Enforcement.
- 454.420** Actions to collect or enforce child support "shall" be brought by PROSECUTING ATTORNEY, when notified by Division of Family Services. PROSECUTING ATTORNEY "shall" collect unpaid obligations.
- 454.435** PROSECUTING ATTORNEY "may" enter into a cooperative agreement or may enter into a multi-county agreement to litigate or prosecute any action to secure support; the PROSECUTING ATTORNEY "shall", in addition to periodic monetary support seek and enforce other orders as set forth in the statute. The PROSECUTING ATTORNEY must act within 60 days or the division may demand return of the file. PROSECUTING ATTORNEYS are authorized to initiate judicial or administrative modifications in IV-D cases at the request of the division.

#### **ESCHEATS**

- 470.030** PROSECUTING ATTORNEY "shall" handle real estate escheat actions.
- 470.040** PROSECUTING ATTORNEY "shall" file answer in action to set aside escheat (money).
- 470.060** PROSECUTING ATTORNEY "shall" file copies of judgment with director of revenue and recorder.
- 470.150** Upon the return of such writ of possession, the PROSECUTING ATTORNEY shall cause the record and process to be exemplified under the seal of the court and deposit the same in the office of the director of revenue; and he shall cause the transcript of the judgment to be recorded in the office of the recorder of the county in which such estate is situate; and such judgment shall preclude all parties and privies thereto, their heirs and assigns, so long as such judgment shall remain in force.
- 470.160** Any party who shall have appeared to any proceedings, and the PROSECUTING ATTORNEY on behalf of the state, shall have the right to prosecute an appeal upon any such judgment.
- 470.180** PROSECUTING ATTORNEY "shall" file answer in action to set aside escheat (real estate).
- 470.200** Whenever any real estate shall have escheated and the title thereto vested in the state, the circuit court of the county in which such estate is situate shall, upon the application of the PROSECUTING ATTORNEY of said county, order and direct said real estate to be sold.

#### **PROBATE CODE**

- 472.025** Service of process and notices upon the state of Missouri or any department or agency thereof may be made by delivery to the PROSECUTING ATTORNEY of the county.



### **COURT CLERKS**

- 483.160** \*Upon failure of the circuit clerk to deliver all reports to their successor, PROSECUTING ATTORNEY shall institute suit for recovery against the clerk.
- 483.170** \*Court may require PROSECUTING ATTORNEY to prosecute criminal action against circuit clerk.
- 483.175** \*If PROSECUTING ATTORNEY required to prosecute, he "shall" make charge in due form; serve clerk with copy and file notice.
- 483.180** \*PROSECUTING ATTORNEY "shall" file charges, cause witnesses to be summoned, and "shall prosecute...with all convenient speed."
- 483.550** \*It shall be the duty of each PROSECUTING ATTORNEY when referred to such PROSECUTING ATTORNEY by the responsible clerk to reasonably attempt to collect delinquent court costs. (Attorney General can collect delinquent court costs owed to the state).

### **ATTORNEYS**

- 484.020** \*"It is hereby made the duty" of PROSECUTING ATTORNEY to file suits to recover penalty for unauthorized practice of law.
- 484.150** \*"It is hereby made the duty" of PROSECUTING ATTORNEY to file suits to recover unauthorized fee splitting.

### **CRIMINAL ACTIVITY FORFEITURE ACT (CAFA)**

- 513.607** \*PROSECUTING ATTORNEY or Attorney General may bring an in personam action for the forfeiture of property, which may be commenced by petition before or after the seizure of property. Within 4 days of the date of the seizure, such seizure shall be reported by said officer to the PROSECUTING ATTORNEY of the county in which the seizure is effected or the Attorney General; and if in the opinion of the PROSECUTING ATTORNEY or Attorney General forfeiture is warranted, the PROSECUTING ATTORNEY or Attorney General shall, within 10 days after receiving notice of the petition, file a petition for forfeiture. The PROSECUTING ATTORNEY or Attorney General to whom the seizure is reported shall report annually by January 31 for the previous calendar year of all seizures. The report shall be made to the Director of the Missouri Department of Public Safety and shall be considered an open record. A copy of the report shall be filed with the State Auditor. Intentional or knowing failure to comply with any reporting requirement shall be a class A misdemeanor, punishable by a fine of up to one thousand dollars.

### **QUO WARRANTO**

- 531.010** \*PROSECUTING ATTORNEY "shall" file Quo Warranto actions for usurpation of public office; if against circuit judge, "it shall be the duty" of PROSECUTING ATTORNEY to file in another circuit.

### **HABEAS CORPUS**

- 532.030** "It shall be the duty" of PROSECUTING ATTORNEY to represent state in criminal habeas corpus action (see also 56.080)

### **GRAND JURIES**

- 540.106** In the event a person is indicted as a result of such immunized testimony, the PROSECUTOR shall provide a transcription of such grand jury testimony of an immunized witness to all defendants.
- 540.130** "It shall be the duty", when required, of the PROSECUTING ATTORNEY to attend grand jury.

### **SEARCH AND SEIZURE/WIRETAPPING**

- 542.090** PROSECUTING ATTORNEY "shall" prosecute violation of peace bond.
- 542.276** PROSECUTING ATTORNEY may apply for search warrant. The PROSECUTING ATTORNEY of the county where the search is to take place or his designated assistant must sign the application.



- 542.281** Written affidavits verified by oath or affirmation of law enforcement officers or city or county PROSECUTING ATTORNEYS may supplement application for search warrant of obscene material if the item to be seized is a motion picture film or video cassette.
- 542.291** A copy of the itemized receipt of any property taken during the search shall be delivered to the office of the PROSECUTING ATTORNEY in the county where the property was taken within 2 working days of the search.
- 542.301** PROSECUTING ATTORNEY "shall" file forfeiture actions on property seized under a search warrant. A law enforcement officer having custody of seized property may, at any time that seized property has ceased to be useful as evidence, request that the PROSECUTING ATTORNEY of the county in which property was seized file a motion with the court of such county for the disposition of the seized property. If the prosecuting attorney does not file such motion within sixty days of the request by the law enforcement officer having custody of the seized property, then such officer may request that the attorney general file a written motion with the circuit court of the county or judicial district in which the seizure occurred.
- 542.404** \*The elected PROSECUTING ATTORNEY of the county with the written authorization of the attorney general of the state of Missouri may make application for an order authorizing the interception of a wire communication.
- 542.414** In addition to any other right to appeal, the state shall have the right to appeal from an order granting a motion to suppress an intercepted wire communication made under subsection 1 of this section if the PROSECUTING ATTORNEY shall certify to the court or other official granting such motion that the appeal be taken within thirty days after the date the order was entered and shall be diligently prosecuted.
- 542.416** In January of each year, the principal PROSECUTING ATTORNEY for any political subdivision of the state shall report to the state courts administrator specific statutory information regarding intercepted wire communications.

#### **MISDEMEANORS & INFRACTIONS**

- 543.200** In misdemeanor cases, after the plea of the defendant has been entered, if he pleads not guilty, the defendant or PROSECUTING ATTORNEY may demand a jury.

#### **ARREST, EXAMINATION, COMMITMENT AND BAIL**

- 544.250** PROSECUTING ATTORNEY "shall" not file information in felony case without accused having preliminary hearing.
- 544.290** PROSECUTING ATTORNEY may file an affidavit to disqualify an associate circuit judge from examining a person accused of a felony for specific statutory conflicts of interest.

#### **PROCEEDINGS BEFORE TRIAL**

- 545.040** PROSECUTING ATTORNEY "must" sign indictment.
- 545.090** No judge, PROSECUTING ATTORNEY, or other officer of any court, shall disclose the fact of any such indictment being found until the defendant has been arrested or recognized to answer the same. (Violation is a misdemeanor.)
- 545.240** PROSECUTING ATTORNEY may file information; and "shall" sign it.
- 545.250** "It shall be the duty" of PROSECUTING ATTORNEY to file information when citizens' affidavit is filed.
- 545.260** PROSECUTING ATTORNEY "may" file another affidavit or information if original is lost.
- 545.410** "It shall be" the duty of PROSECUTING ATTORNEY to attend depositions in criminal cases taken in his county. He "may" hire counsel to attend those taken outside the state. (Fee: \$10 for first witness, \$1 for each additional one.)
- 545.730** PROSECUTING ATTORNEY "shall" state under oath reasons for application for continuance on behalf of state.





## **TRIALS**

**546.070** The PROSECUTING ATTORNEY must "state the case" and offer the evidence in support of the prosecution.

## **APPEALS, NEW TRIALS**

**547.100** PROSECUTING ATTORNEY "may" motion to dismiss appeal in misdemeanor case.

**547.200** PROSECUTING ATTORNEY "may" appeal in certain instances in criminal cases. See also 574.210

**547.230** PROSECUTING ATTORNEY "may" file for "writ of error."

## **EXTRADITION**

**548.041** \*Governor may call upon PROSECUTING ATTORNEY to investigate where request for requisition is filed.

**548.231** PROSECUTING ATTORNEY "shall" file request for extradition where return to this state is required of person charged with crime.

## **COSTS IN CRIMINAL CASES**

**550.040** PAYMENT OF COSTS BY PROSECUTOR - PROSECUTOR may be adjudged to pay costs in the case of acquittal in certain cases. See also 550.050 and 550.060, 550.070, 550.080, 550.090.

**550.130** The bill of costs shall be certified to by the judge and PROSECUTING ATTORNEY and shall be presented to the county commission.

**550.140** The clerk of court shall deliver a complete itemized bill to the PROSECUTING ATTORNEY.

**550.190** PROSECUTING ATTORNEY "shall strictly examine" bill of costs; if correct he "shall" certify it.

**550.210** What circumstances PROSECUTING ATTORNEY "shall" certify in bill of costs.

**550.220** All bills of costs presented to county court "shall" be certified by PROSECUTING ATTORNEY.

**550.240** PROSECUTING ATTORNEY "shall" examine and audit associate circuit court fee bills.

## **CRIMINAL PROCEEDINGS INVOLVING MENTAL ILLNESS**

**552.020** Following a commitment under this section, the PROSECUTING ATTORNEY shall receive an examination report 6 months after commitment.

**552.040** PROSECUTING ATTORNEY to be notified of and may object to release of person committed to mental institution after not guilty by reason of mental disease or defect verdict. (Consult statute regarding appropriate PROSECUTING ATTORNEY).

## **SENTENCING**

**557.041** The PROSECUTING ATTORNEY shall inform the victim or victim's family of the right to make a statement prior to the plea bargain or at the time of sentencing of a defendant who has pled guilty.

**557.046** In all felony cases, the PROSECUTING ATTORNEY and a representative of the law enforcement agency may appear at sentencing and provide relevant information to the court prior to the court's decision.



### **PROSTITUTION**

**567.080** \*PROSECUTING ATTORNEY may, in addition to all criminal sanctions, prosecute a suit in equity to enjoin the nuisance of a prostitution house.

**567.100** \*In addition to criminal responsibilities of PROSECUTING ATTORNEY he "shall have duty" to enforce nuisance section of prostitution law.

### **CRIMINAL NON-SUPPORT**

**568.040** PROSECUTING ATTORNEY who has entered a cooperative agreement with the Division of Child Support Enforcement shall report to the division on a quarterly basis the number of charges filed and the number of convictions obtained under this section by the PROSECUTING ATTORNEY's office on all IV-D cases.

**568.100** PROSECUTING ATTORNEY may request court order that child's testimony be videotaped in order to determine whether child who participated in a sexual performance is less than 17 years of age.

### **PASSING BAD CHECKS**

**570.120** In all cases where a PROSECUTING ATTORNEY receives notice from the original holder that a person has violated this section with respect to a payroll check or order, the PROSECUTOR, if he determines there is a violation of this section, shall file an information or seek an indictment within 60 days of such notice and may file an information or seek an indictment thereafter if the PROSECUTOR has failed through neglect or mistake to do so within 60 days of such notice and if he determines there is sufficient evidence shall further prosecute such cases.

### **GAMBLING**

**572.090** \*PROSECUTING ATTORNEY "may" file nuisance action against gambling houses.

**572.110** \*"It shall be the duty" of PROSECUTING ATTORNEY to enforce gambling laws.

### **PUBLIC SAFETY OFFENSES**

**577.026** The PROSECUTOR shall investigate reports of violations of §260.211 and §260.212 and institute a prosecution for violations of those sections.

**577.041** PROSECUTING ATTORNEY "shall" appear on behalf of director of revenue in breathalyzer refusal hearing.

**577.071** The PROSECUTING ATTORNEY "shall" investigate reports relating to the illegal disposal of solid wastes and may institute a prosecution for such.

### **CRIMINAL STREET GANGS**

**578.430** \*PROSECUTING ATTORNEY may, in addition to any criminal prosecutions, prosecute a suit in equity to enjoin the public nuisance.

**578.433** In addition to any other criminal prosecutions, the PROSECUTING ATTORNEY or circuit attorney may by information or indictment charge the owner or the occupant, or both the owner and the occupant, of the room, building, structure, or inhabitable structure maintaining a public nuisance.

### **CRIME PREVENTION**

**589.205** \*PROSECUTING ATTORNEY (and others) to be notified and provided information by insurance companies on fraudulent auto theft claims.

**589.210** \*What information is to be provided to PROSECUTING ATTORNEY relevant to theft claim from insurer.

**589.215** \*PROSECUTING ATTORNEY to tell insurance company what information he has.

**589.417** Complete statements, photographs and fingerprints are closed records but are available to PROSECUTING ATTORNEYS.



### **CRIME VICTIMS**

**595.015** \*PROSECUTING ATTORNEY (among others) "shall" provide division of workers' compensation information to aid in crime victim's compensation award.

### **CRIME VICTIM RIGHTS**

**595.209** This legislation sets forth the duties of PROSECUTING ATTORNEYS to comply with written notification of crime victims. The statute must be consulted.

**595.212** Each PROSECUTING ATTORNEY "shall" create and maintain a program to afford victims and witnesses of the rights set forth in §595.200 to §595.215.

**595.215** The PROSECUTING ATTORNEY, local law enforcement agencies, local social services agencies, and court shall cooperate to afford victims and witnesses of crimes the rights and services described in sections 595.200 to 595.215.

### **PUBLIC DEFENDERS**

**600.051** Upon guilty plea after waiver of counsel, court to inquire for PROSECUTING ATTORNEY if there is any evidence of defendant's innocence.

**600.090** PROSECUTING ATTORNEY "shall" enforce judgments in favor of public defender commission. (PROSECUTING ATTORNEY can settle claims with assent of director.)

### **SUNSHINE LAW**

**610.027** \*PROSECUTING ATTORNEY "may" file injunction action to enforce the "Sunshine Law".

### **MENTAL HEALTH**

**630.150** Head of mental health facility shall give notice of disappearance of patient committed to department of mental health under 552 to PROSECUTING ATTORNEY and sheriff of county where person was tried and committed.

**630.167** \*Upon the receipt of a report of possible abuse or neglect of a patient in a department of mental health licensed facility, the PROSECUTING ATTORNEY may file a petition for temporary care and protection of the residents.

**630.620** PROSECUTING ATTORNEY where patient was tried and acquitted shall receive written report regarding a proposed placement if "client" was originally committed under chapter 552.

### **COMPREHENSIVE PSYCHIATRIC SERVICES**

**632.370** The head of the mental health program shall notify the PROSECUTING ATTORNEY of the jurisdiction where the person was tried and acquitted, of any transfer from one mental health facility to another if the person was committed under chapter 552.

**632.405** "It shall be the duty" of the PROSECUTING ATTORNEY to represent petitioner and to file and prosecute actions for detention under chapter 632.

### **AIR CONSERVATION**

**643.080** \*Director of Department of Natural Resources shall refer information to PROSECUTING ATTORNEY if investigation reveals reasonable grounds to believe a violation of Missouri Air Conservation law.

**643.050** \*PROSECUTING ATTORNEY may also file for applicable civil penalty.

**643.140** PROSECUTING ATTORNEY "shall" bring action at the request of the city or county governing body.

**643.151** \*Any offer of settlement to resolve a civil penalty shall state that an action for imposition of a civil penalty may be initiated by PROSECUTING ATTORNEY.



**SEWER DISTRICTS**

**644.076** \*Clean Water Commission may request PROSECUTING ATTORNEY to bring action to enjoin Water Pollution Law violation.

**644.079** \*PROSECUTING ATTORNEY may file for a civil penalty under the clean water act.

**644.096** \*PROSECUTING ATTORNEY may file action to recover actual damages under the Clean Water Act.

**SOCIAL SERVICES**

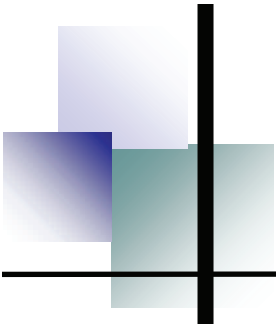
**660.300** PROSECUTING ATTORNEY may file petition for temporary care and protection of an in-home services client.

**660.520** The STAT team of the Department of Social Services shall assist in the investigation of child sexual abuse cases upon request of PROSECUTORS. The multi-disciplinary team for each county may include the PROSECUTOR or his representative.

**STATE STANDARDS - LEAD HAZARDS**

**701.037** PROSECUTING ATTORNEY shall, at the request of the city, county or department, institute appropriate proceedings for correction in cases of noncompliance regarding on-site sewage disposal systems.

**701.308** PROSECUTING ATTORNEY "shall" take additional measure to ensure that the lead hazard is abated.



## CHAPTER 7

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# MOPS TAPE LIBRARY





## CHAPTER 7

## MOPS TAPE LIBRARY

All tapes are available for your use. To check out a tape, write or call the MOPS office with your selections. We ask that you please return them as soon as you are finished.

### TAPES FROM SEMINARS

**JANUARY 11, 2002**

**ELECTED PROSECUTOR TRAINING - Lake Ozark**

- ◆ Environmental Prosecutions - David Yanke
- ◆ The MO Security Panel - Tim Daniel
- ◆ International & Domestic Terrorism - Lt. Tom Taylor
- ◆ Enforcement of New Tobacco Laws - Keith Fuller & Steve Shimmens

**MARCH 27-29, 2002**

**SPRING STATEWIDE TRAINING - Osage Beach**

- ◆ How The Internet Works (and Why It Matters For Law Enforcement) - Paul Ohm
- ◆ Searching and Seizing Computers and Obtaining Electronic Evidence - Jeffrey Jensen
- ◆ Enhancing the Role of the Prosecuting Attorney: Innovative Community Outreach Ideas for the Elected and Assistant Prosecuting Attorney - Pam Paziotopoulos
- ◆ Ethics: Professionalism - Dealing With The Media - Kate Flaherty
- ◆ Case Law Update - Breck Burgess, Phil Koppe and Shaun Mackelprang
- ◆ Presentation by the United States Attorneys from the Western and Eastern District - Honorable Todd Graves, Honorable Raymond Guender
- ◆ Drug-Facilitated Sexual Assaults - March LeBeau
- ◆ Presenting DNA Evidence in Court - Alan Giusti

**MAY 2-3, 2002**

**DUI/VEHICULAR HOMICIDE TRAINING - Lake Ozark**

- ◆ Alcohol Impairment Relative To Driving - Dr. Mary Case
- ◆ Dept. of Health Rules & Regulations for Determination of Breath Alcohol Content - Bill Whitmar
- ◆ Legal Issues: Overview of Recent Statutory & Case Law Development; Implied Consent - Jim Chenault
- ◆ Kentucky School Bus Crash - Sonny Cease
- ◆ Report on Current Topics - Dwight Scroggins
- ◆ Anticipation of Defense Tactics - John Stephen

**JUNE 5-7, 2002**

**INVESTIGATION AND PROSECUTION OF CHILD ABUSE - Osage Beach**

- ◆ Investigation of Child Death - Dr. Mary Case
- ◆ Investigation of Child Abuse - Dr. Mary Case
- ◆ Child Sexual Exploitation - Susan Kreston
- ◆ The Interrelationship Between Domestic Violence and Child Abuse - Allison Turkel
- ◆ Child Abduction - Susan Kreston
- ◆ Juvenile Sex Offenders - Allison Turkel
- ◆ Investigation of Shaken Baby Syndrome Cases - Rob Parrish
- ◆ Proving Shaken Baby Syndrome Cases - Rob Parrish



**AUGUST 28-30, 2002**

**FALL STATEWIDE TRAINING – Lake Ozark**

- ◆ Issues in Gambling - Kevin Mullally
- ◆ Legislative Update - Michael Hunt
- ◆ Drug Fraud - Susan McCann
- ◆ Postconviction DNA Testing - Ted Hunt
- ◆ Ethics & The Prosecutor - Phil LeVota
- ◆ Navigating The Instructional Minefield - Jack Morris
- ◆ Caselaw Update - Breck Burgess, Shaun Mackelprang, Phil Koppe
- ◆ The Prosecutor & The Media - Dana Kaye
- ◆ Programs In The Dept. of Corrections & Div. Of Probation & Parole - Denis Agniel & Bill Potter
- ◆ MO Tax Amnesty Program - Todd Iveson

**JANUARY 9-10, 2003**

**ELECTED PROSECUTOR TRAINING – Jefferson City**

- ◆ Prosecutors Retirement System – John Richards
- ◆ Prosecutor Dialog Case Management System – Jane Quick
- ◆ Missouri State Technical Assistance Team – Gus Kolilis
- ◆ Missouri Attorney General's Office – Jay Nixon
- ◆ Financial Considerations in Running a Prosecutor's Office – Claire McCaskell & Tom Cramer
- ◆ Extraditions – Karen Kramer
- ◆ Child Support – Mike Shortridge
- ◆ Prosecuting Bad Checks – Jim Icenogle
- ◆ Criminal History Reporting—Kerry Creach
- ◆ Sunshine Law – Dean Waldemer
- ◆ Charging Decisions – Richard Callahan
- ◆ Instructions – Jack Morris
- ◆ Employment Law from the Employer's Perspective – Cynthia Quetsch

**APRIL 16-18, 2003**

**SPRING STATEWIDE TRAINING - Lake Ozark, MO**

- ◆ Probable Cause – Richard Callahan & Kevin Crane
- ◆ Caselaw Update – Breck Burgess & Shaun Mackelprang
- ◆ Ethics & Prosecutorial Function – John Campbell
- ◆ Investigation of Child Abuse & Neglect – Lori Fluegel
- ◆ Use of Multi-Disciplinary Teams – Lori Fluegel
- ◆ Finding Words Missouri – Jerri Sites
- ◆ Child Maltreatment: A Medical Perspective – Tim Kutz, M.D.
- ◆ Search & Seizure – Morley Swingle

**MAY 29-30, 2003**

**DUI/VEHICULAR HOMICIDE – Osage Beach, MO**

- ◆ Alcohol Impairment Relative to Driving – Dr. Mary Case
- ◆ Legal Issues: Overview of recent statutory & Case law – Jim Chenault
- ◆ Introduction of Protecting Lives/Saving Futures Course – John Bobo
- ◆ Vehicles in Motion & Personal Contact – Sgt. Scott Cummings
- ◆ Understanding SFSTs & Pre-Arrest Screening – Sgt. Scott Cummings
- ◆ Challenges & Defenses – Rick Knight
- ◆ Writing a Report – John Bobo, Rick Knight, & Chris Childs
- ◆ Trial Workshop: Improving Skills in Direct & Cross-Examinations – John Bobo
- ◆ Pretrial Preparation & Trial Skills – John Bobo
- ◆ Strategies for Success – Chris Chiles





**AUGUST 27-29, 2003**

**FALL STATEWIDE TRAINING – Osage Beach, MO**

- ◆ **Legislative Update** – Joe Dueker
- ◆ **Caselaw Update** – Breck Burgess & Shaun Mackelprang
- ◆ **Law Enforcement Access to Legally Protected Health Records; HIPAA** – Jody Joiner
- ◆ **Bifurcated Trials** – J.D. Lasater & Debbie Daniels
- ◆ **Technology in the Courtroom** – Phil Smith
- ◆ **Closing Argument** – James McKay
- ◆ **Handling Expert Witnesses at Trial** – James McKay
- ◆ **Prosecuting Domestic Violence Cases** – Morley Swingle
- ◆ **Protecting Prosecutors from Discovery Ambush – The Brady Rule** – Douglas Pipes

**SEPTEMBER 23-26, 2003**

**LETHAL WEAPON: DWI VEHICULAR HOMICIDE – Kansas City, MO**

- ◆ **Kinematics & Dynamics of Accident Reconstruction** – John Kwasnoski
- ◆ **Reconstruction Methodologies** – John Kwasnoski
- ◆ **Technical Investigation** – John Kwasnoski
- ◆ **Legal Aspects of Technical Investigation** – John Stephen
- ◆ **Toxicology** – John Stephen
- ◆ **Presenting an Effective Direct Examination of Experts** – John Stephen & John Kwasnoski
- ◆ **Closing Argument Presentation** – Sean O'Hagan

**JANUARY 15-16, 2004**

**ELECTED PROSECUTOR MEETING – Branson, MO**

- ◆ **Review of Concealed & Carry** – Morley Swingle
- ◆ **Prosecutor/Public School Relations** – Matt Selby
- ◆ **Revised Parole Board Policy & Release Decision Making** – Gary Kempker, Denis Agniel, James Hogg
- ◆ **DPS MOVA & MoVANS** – Marc Peoples & Julie Fox
- ◆ **Implementation of the Automated DWI Tracking System: Introduction & Overview** – Bill Whitfield & Jill Lombardo
- ◆ **OSCA – Recent Initiatives, Status of Court Automation, Collection of Court Costs** – Nancy Griggs
- ◆ **DSS – Reorganization, Issues for PA's** – Denise Cross
- ◆ **Review of US Patriot Act** – Todd Graves, Matt Whitworth
- ◆ **Gun Prosecutions** – Paul Becker
- ◆ **Initiatives in PA Offices: Community Prosecution** – Mike Sanders, Jennifer Joyce, Rachel Smith

**APRIL 7-9, 2004**

**SPRING STATEWIDE TRAINING – Osage Beach, MO**

- ◆ **Misuse & Abuse of Prescription Drugs** – Michael Boeger
- ◆ **Visual Aids in the Courtroom** – Phil LeVota
- ◆ **Caselaw Update** – Breck Burgess, Shaun Mackelprang, Karen King
- ◆ **Bifurcated Trials Panel Discussion**
- ◆ **US Supreme Court Update** – Richard Wintory
- ◆ **Ethics** – Richard Wintory
- ◆ **Trial Advocacy** – Richard Wintory



MAY 27-28, 2004

DWI/VEHICULAR HOMICIDE – Osage Beach, MO

- ♦ Answering the Question: Who was driving – Sgt. Tim Tinnin & Lt. Andre Cook
- ♦ Standardized Field Sobriety Testing – Review of NHTSA Testing Standards & Current Caselaw – Bill Stephens
- ♦ Demystifying the Courtroom Experience: Reaching the full potential of a witness – Carol England
- ♦ Alcohol Impairment Relative to Driving – Dr. Mary Case
- ♦ Making the Prosecutable Case & the Need for the Second Breath/Blood Test – Carol England
- ♦ Legal Issues: Overview of recent Statutory & Case Law Development: Implied Consent – Jim Chenault
- ♦ Use of Drug Recognition Experts – Deputy Travis Jones

SEPTEMBER 1-3, 2004

FALL STATEWIDE TRAINING – Lake Ozark, MO

- ♦ Investigation & Prosecution of Identity Theft Cases – Scott Ingram
- ♦ Review & Recent Legislative Changes of the Missouri Sunshine Law – Debbie Daniels
- ♦ Recent Changes in Missouri Supreme Court Rules Relevant to Criminal Discovery – Morley Swingle
- ♦ Caselaw Update – Karen Kramer & Shaun Mackelprang
- ♦ Trial Persuasion & Professionalism: Eradicating “Prosecutorial Misconduct” – Ron Clark
- ♦ Concession Based Cross-Examination & Expert Testimony – Ron Clark
- ♦ Trial Strategies in Child Abuse Cases – Victor Vieth

JANUARY 13-14, 2005

ELECTED PROSECUTOR MEETING – Kansas City, MO

- ♦ Update on PA Retirement Fund – Katrina Farrow & John Richards
- ♦ Update/Overview – Technology for Prosecutors – Jane Quick, Bob Wilkins & Eric Zahnd
- ♦ Law Enforcement & Prosecutor Response to Public Health Issues – Dr. Howard Pue
- ♦ Review of Recent Changes to Dept of Labor Overtime & Comp Laws – Gary Fogelbach
- ♦ Prosecutor Based Victim Service Programs – Kevin Crane, John Richards, & Michelle Kroner-Douglass
- ♦ Overview of Legislative Process – Liz Ziegler
- ♦ Illegal Gambling Devices – Ernie Robb, Gary Gonder & Victor Pitman
- ♦ Computer and Cyber Crime Initiatives – Eric Zahnd & Jeff Valenti

MARCH 23-25, 2005

SPRING STATEWIDE TRAINING – Lake Ozark, MO

- ♦ Jury Instructions: New Development and Old Pitfalls – Morley Swingle
- ♦ Crazy Like a Fox: Preparing for a Mental Disease Defense – Elizabeth Bock
- ♦ Case Review – Shaun Mackelprang, Karen Kremer, Stephanie Morrell
- ♦ Computer Crimes: Child Enticement and Child Pornography – Eric Zahnd & Miles Perry
- ♦ Comprehensive Meth Initiative Legislation Introduced by US Senator Jim Talent – Terry Campbell
- ♦ HIV in Missouri – William Lafser
- ♦ US Supreme Court Decision for Trial Dogs – Richard Wintory
- ♦ Crawford v. Washington – Ed Postawko
- ♦ Current Topics in Forensic DNA Analysis – Bill Marbaker, Brian Hoey, & Robin Rothove

MAY 26-27, 2005

DWI/VEHICULAR HOMICIDE TRAINING – Osage Beach, MO

- ♦ Use of Drug Recognition Experts: The Science & the Law – Travis Johns, John Bauer
- ♦ Special Issues of Impairment & Fatigue – Commercial Motor Vehicle Drivers – Jerry Baker
- ♦ Legal Issues: Overview of Recent Statutory and Case Law Development: Implied Consent – Jim Chenault
- ♦ Looking Beyond Probable Cause – Carol England
- ♦ Alcohol Impairment Relative to Driving – Mary Case
- ♦ Testifying in Alcohol Related Cases – Carol England
- ♦ Use of Event Data Recorders in Crash Investigations – James Mundel
- ♦ Prevention & Education in Impaired Driving Cases – Terry Moore, Bud Balke



**AUGUST 31-SEPTEMBER 2, 2005**

**FALL STATEWIDE TRAINING – Osage Beach, MO**

- ◆ **Finding Words and the Child Advocacy Center** – Jay Wood & Jerri Sites
- ◆ **Update on the Sentencing Advisory Commission** – Page Bellamy & Kim Green
- ◆ **Caslaw Review** – Shaun Mackelprang, Karen Kramer, & Evan Buchheim
- ◆ **Writing Findings of Fact & Conclusions of Law, Practical Elements on Motions to Suppress** – Debbie Daniels & Kevin Zoellner
- ◆ **The Role of a Forensic Anthropologist in Forensic Investigations** – Hugh Berryman
- ◆ **Interpretation of Bone Trauma in a Forensic Setting** – Hugh Berryman
- ◆ **Forensic Dentistry** – James McGivney
- ◆ **The Role of the Medicolegal Death Investigator** – Mary Fran Ernst
- ◆ **Ethics: Cross Examination of Expert Witnesses** – Cliff Strider
- ◆ **The CSI Effect: Dealing with Television & Movie Created Expectations of Jurors** – Cliff Strider
- ◆ **Working Together with Victims of Crime** – Tracy Gonzalez & Elizabeth Wilson

**JANUARY 12-13, 2006**

**ELECTED PROSECUTOR MEETING – Branson, MO**

- ◆ **Bringing Focus & Direction into the PA's Office** – Donna Deetz & Tammy Chute
- ◆ **Roundtable Discussions with the Office of State Courts Administrator** – Nancy Griggs
- ◆ **Meet the new Director of the Missouri Department of Social Services** – Gary Sherman
- ◆ **Prosecuting Securities Cases in Missouri** – Patrick Morgan & Renee Slusher
- ◆ **Exclusions – Authority to Exclude Health Care Providers from Participating in Federally Funded Health Care Programs** – Tamra Bessette
- ◆ **The MOSAFE Program: Missourians Stopping Adult Financial Exploitation** – Marta Fontaine

**APRIL 12-14, 2006**

**SPRING STATEWIDE TRAINING—Lake Ozark, MO**

- ◆ **Caselaw Update** – Shaun Mackelprang, Karen Kramer & Evan Buchheim
- ◆ **Forensic Examination of Documents** – Linda Hartwick
- ◆ **Referral of Minors in Possession** – Peter Lobdell
- ◆ **Blueprint for Safe Roadways** – Leanna Depue
- ◆ **Preventing Wrongful Convictions** – Bob Milan
- ◆ **Ethics: When did we get the black hats?** - Herb Tanner
- ◆ **Current Issues in Probation & Parole** – Richard Lee, Scott Johnston & Barne Ploch
- ◆ **MO Reentry Process** – Scott Johnston
- ◆ **Inmate Population Trends** – Terry Moore
- ◆ **Trends in Fire Investigation for Prosecutors** – Bill Zieres
- ◆ **Battered Justice** – Mary Beck
- ◆ **Jury Selection: Legal Issues & Persuasion Techniques** – Cliff Strider
- ◆ **Cross-Examination of Expert Witnesses** – Cliff Strider

**MAY 31-JUNE 2, 2006**

**DWI/VEHICULAR HOMICIDE CONFERENCE—Osage Beach, MO**

- ◆ **Perspectives on DWI: Nationally; In Missouri; A Victim's Story**—Susan deCourcy, Scott Turner & Michael Mann
- ◆ **DWI Courts: What they are, Why they work**—Peggy Davis
- ◆ **The NTLC: What it can do for you**—Elizabeth Earleywine
- ◆ **Caselaw Update**—Cheryl Nield
- ◆ **Prescription Drug Abuse**—Travis Jones
- ◆ **The Ethics of DWI Investigations & Prosecutions**—Carol England
- ◆ **Special Issues in Investigating Alcohol-Related Car Crashes**—Carol England
- ◆ **A DWI Trial: Lessons to be Learned**—John Bauer & Travis Noble
- ◆ **Criminal History Reporting & the DWI Tracking System**—Kerry Creach, Scott Jones, Brad Jones, Jill Lombardo
- ◆ **Teamwork in DWI Investigations & Prosecutions**—Tom Kimball



**AUGUST 30-SEPTEMBER 1, 2006**

**FALL STATEWIDE TRAINING — Lake Ozark, MO**

- ◆ **What do they want from me? Basic dos and don'ts of dealing with crime victims**—Dwight Scroggins
- ◆ **Prosecutor & the Media**—Jennifer Joyce & Jack Banas
- ◆ **Caselaw Update**—Shaun Mackelprang, Karen Kramer & Evan Buchheim
- ◆ **Principles of Adult Learning**—Kimberly Overton
- ◆ **Instructing on Lesser Included Offenses**—Breck Burgess
- ◆ **Prosecuting a Domestic Violence Case in Post-Crawford Age**—Herb Tanner
- ◆ **Traffic Bench Guide Presentation**—Jeffrey Bushur, John Clayton & Catherine Zacharias
- ◆ **Visual Trial: Turning the CSI Affect to your Advantage**—Herb Tanner
- ◆ **Ethics: The Role of the Prosecutor** – Morley Swingle

**TRIAL ADVOCACY SCHOOL**

**1999 TAS**

- ◆ **The Art of Persuasion** - Jim Jeans
- ◆ **Voir Dire** - Richard Callahan
- ◆ **Meaningful Objections: Meeting Defenses in The Mary Katherine Webster Case** - Rick Knight
- ◆ **Opening Statement** - Dave Fry
- ◆ **Direct Examination of State's Witnesses** - Jeff Bushur
- ◆ **Cross Examination & Closing Argument** - Tom Dittmeier

**2000 TAS**

- ◆ **Voir Dire** - Richard Callahan
- ◆ **Meaningful Objections: Meeting Defenses In the Mary Katherine Webster Case** - Rick Knight
- ◆ **Opening Statement** - Dave Fry

**2001 TAS**

- ◆ **Voir Dire** - Richard Callahan
- ◆ **Meaningful Objections: Meeting Defenses In the Mary Katherine Webster Case** - Rick Knight
- ◆ **Opening Statement** - Roseann Ketchmark
- ◆ **Direct Examination of State's Witnesses** - John DeVouton
- ◆ **Cross Examination** - Tom Dittmeier

**2002 TAS**

- ◆ **Meaningful Objections: Meeting Defenses In the Mary Katherine Webster Case** - Rick Knight
- ◆ **Opening Statement** - Dawn Parsons
- ◆ **Direct Examination of State's Witnesses** - Anji Gandhi
- ◆ **Voir Dire** - Richard Callahan
- ◆ **Cross Examination & Closing Argument** - Tom Dittmeier

**2003 TAS**

- ◆ **Meaningful Objections: Meeting Defenses in the Mary Katherine Webster Case** – Rick Knight
- ◆ **Opening Statement** – Mike Ravetta
- ◆ **Direct Examination of State's Witnesses** – Anji Gandhi
- ◆ **Voir Dire** – Dawn Parsons
- ◆ **Cross Examination & Closing Argument**– Tom Dittmeier



#### 2004 TAS

- ◆ **Meaningful Objections: Meeting Defenses in the Mary Katherine Webster Case** – Doug Sidel
- ◆ **Opening Statement** – Mike Ravetta
- ◆ **Direct Examination of State's Witnesses** – Dan Miller
- ◆ **Voir Dire** – Richard Callahan
- ◆ **Cross Examination** – Tom Dittmeier
- ◆ **Bifurcated Trials** – Steve Sokoloff

#### 2005 TAS

- ◆ **Trial Techniques & Strategies** – Tom Dittmeier
- ◆ **Charging Decisions: Meaningful Objections: Meeting Defenses** – Ed McSweeney
- ◆ **Voir Dire** – Sean O'Hagan
- ◆ **Opening Statement** – Mike Ravetta
- ◆ **Direct Examination** – John DeVouton
- ◆ **Cross Examination** – Steve Sokoloff
- ◆ **Closing Argument** – Tom Dittmeier

#### 2006 TAS

- ◆ **Trial Techniques & Strategies**—Kevin Crane
- ◆ **Charging Decisions**—Carol England
- ◆ **Jury Instructions & Bifurcated Trials**—Kevin Zoellner
- ◆ **Voir Dire**—Tom Redington
- ◆ **Opening Statement & Demo**—Mike Ravetta
- ◆ **Direct Examination & Use of Experts**—John DeVouton
- ◆ **Direct Examination Demo**—John DeVouton
- ◆ **Cross Examination**—Sean O'Hagan
- ◆ **Laying the Foundation for DWI Evidence**—Brady Twenter
- ◆ **Closing Argument**—Randy England
- ◆ **Closing Argument & Rebuttal Argument Demo**—Randy England & Kurt Valentine